

**LAND TENURE AND RURAL LIVELIHOODS IN ZAMBIA:  
CASE STUDIES OF KAMENA AND ST. JOSEPH**

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**A thesis submitted in partial fulfilment of the requirements for the degree of  
PhD in Development Studies**

**Faculty of Arts  
University of the Western Cape**

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## DECLARATION

I declare that “Land Tenure and Rural Livelihoods in Zambia: Case Studies of Kamena and St. Joseph” is my own work, that it has not been submitted before for any degree or examination in any other university, and that all sources I have used or quoted have been indicated and acknowledged by complete references.

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March 2005

Signature.....

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## **ABSTRACT**

### **LAND TENURE AND RURAL LIVELIHOODS IN ZAMBIA: CASE STUDIES OF KAMENA AND ST. JOSEPH**

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PhD Thesis, Development Studies

This study explores how land and natural resources in rural communities are accessed, used, and managed in livelihoods. In particular it examines first, crop field tenure, and livelihoods in natural resources. Second it explores factors that mediate access, use and control of land and natural resources within village communities. Empirical data are explored from two rural village communities of Kamena and St. Joseph located in the Northern and Copperbelt provinces of Zambia respectively.

The study argues first that land and natural resource rights underpin land based livelihood activities of rural people, the most important of which are subsistence and cash crop farming, and the gathering and processing of common property resources. Second the thesis argues that land tenure reform impacts on the rural population as a whole and not just on cash crop farmers, and should thus situate the needs of farmers for secure tenure within the wider context of diverse rural household livelihood strategies. The study concludes that social differences (along the axes of wealth, gender and descent), traditional institutions (uxorilocal or virilocal marriage, polygamy, inheritance and succession) and government policy are central in determining access, use and control of land and natural resources in rural livelihoods. It is submitted that, rather than being replaced, customary land tenure, and traditional land administration structures in rural Zambia should be adapted to current social and economic realities in which individuals and households create their multiple livelihoods. Further, it is concluded that land tenure reform is not a sufficient condition for rural livelihood sustainability. Thus complementary agrarian measures to address the vulnerability context of rural households are recommended.

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## CHAPTER 1: INTRODUCTION

### 1.1 Problem statement

Land for Africans in general and Zambians in particular remains their single most important asset. Even after many decades of attaining political independence, the majority of Zambian households largely depend on land-based activities especially agriculture-related activities for their livelihoods. However, food production has failed to keep pace with population growth and the quality of life of people, continues to deteriorate (Republic of Zambia 1990; 1996; 2002; SARIPS 2000). The failure of agriculture to provide for secure livelihoods is considered as a major factor contributing to rural poverty. Currently, about 73 percent of Zambians are classified as poor. Poverty is more prevalent in rural areas compared to urban areas (83 percent and 56 percent respectively) (Republic of Zambia 2002).

**Table 1.1: Changes in selected indicators of poverty and vulnerability in Zambia, 1996 -1998**

Coping strategies	Percentage of households engaged	
	1996	1998
Received relief food	6	7
Ate wild foods only	10	18
Substituted ordinary meals with less nutritious meals	40	51
Reduced food intake	46	64
Reduced other household items	46	62
Borrowed informally	23	29
Borrowed formally	6	5
Lived on church charity	4	5
Lived on NGO charity	2	-
Pulled children out of school	4	9
Sold assets	11	15
Begged from friends, neighbours and relatives	29	58
Begged from streets	1	1

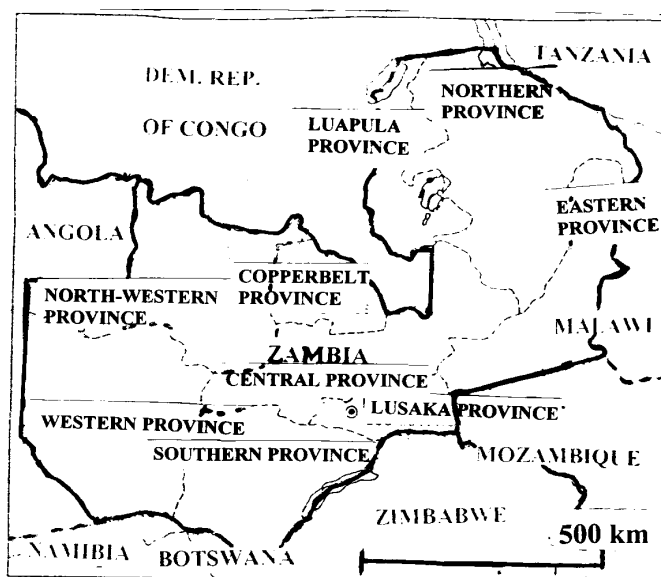
Source: Republic of Zambia (2002: 24)

However, poverty has risen faster in urban areas lately due to the failing copper mining industry which is the driving force in the Zambian economy (Hansungule 1998; Ferguson 1999; Chilipamushi 2000; Republic of Zambia 2002: 12). Consequently this has resulted in reduction in gainful employment, high dependence on land for livelihoods (Mushinfwa 2002) and a failure by government to provide basic services (Republic of Zambia 2002). Further since the first diagnosed case in Zambia in 1984 HIV/AIDS has become

increasingly widespread with an estimated adult HIV prevalence of 14 percent in rural areas and 28 percent in urban areas. Currently about 20 percent of the adult population in Zambia aged 15 to 49 are living with HIV (Republic of Zambia 2002).

About 60 percent of the people in Zambia live in rural areas (Republic of Zambia 2001), which is where the incidence of poverty is worst (Republic of Zambia 2002). The majority of the rural poor in Zambia earn livelihoods from subsistence agriculture and a variety of off-farm income generating activities that tend to be short term, seasonal and usually poorly rewarding. This has generally resulted in severe household food insecurity and attendant levels of malnutrition (Khanya 2000, Republic of Zambia 2002). Table 1.1 provides the statistics from which one can gauge the increase in household poverty and vulnerability in Zambia between 1996 and 1998. For example statistics show that in 1996, 46 percent of households reduced their food intake as a coping strategy. In 1998 the percentage of households who reduced their food intake as a coping strategy increased to 64 percent. In 1996, 29 percent of households begged from friends, neighbours and relatives. This increased to 58 percent for 1998. It is however important to point out that Table 1.1 is not comprehensive and that poverty in Zambia has increased on income and non-income dimensions as well (Republic of Zambia 2002). Land in such a situation assumes its critical importance to people's livelihoods.

**Fig 1.1: Zambia: Location and provinces**



Source: Naidoo and Bwalya 1995: 118

As far as gross land availability is concerned within the Southern African subcontinent (see Zambia's location and provinces in Fig 1.1), Zambia is one of the relatively land abundant countries. The country has an area extending 752,621 square kilometres and the population stands at 10,285,631 (Central Statistical Office 2001). Thus, the population density of the country is about 13.7 persons per square kilometre. This translates to 7.3 ha per inhabitant and in gross land availability Zambia ranks fourth in a group of ten Southern African countries in the following order: Namibia, Botswana, Angola, Zambia, Mozambique, Zimbabwe, South Africa, Swaziland, Lesotho and Malawi (Moll 1996). However the country has a relatively high population growth rate of 2.9 percent (Republic of Zambia 2001).

The contemporary land tenure system in Zambia was deeply influenced by policies and practices of British colonial administrators in the early 1900s (Mvunga 1980). During the colonial period the British authorities established a land tenure system that essentially provided separate categories of landholding for two racial groups namely indigenous Africans and European settlers. Crown land was earmarked for European settlement and economic development, while Reserves and Trust land were exclusively planned for indigenous African interests (Republic of Zambia 1967; Amankwa and Mvunga 1982; Bruce and Dorner 1982).

Today the land law of Zambia recognises only two tenure regimes: "state" and "communal," and all land is officially categorised as either "State Land" or "Customary Land" respectively (Republic of Zambia 1995). Thus, land in Zambia may be held in two ways. This is through time bound leasehold granted by the President on State Land and through occupation under customary tenure rules on Customary Land, that is administered by traditional authorities (Bruce and Dorner 1982). There are 73 tribes living in the Customary Lands under 240 chiefs, and above them are some 8 senior chiefs and 4 paramount chiefs (Moll 1996). Customary Land forms approximately 87 per cent of the country's area. State Land is about 5.4 per cent and 7.6 percent is covered by National Parks. National Parks are held by the state and are in a real sense part of State Land. Table 1.2 below shows the areas of land under State land, Customary Land and National Parks.

**Table 1.2: Areas of land under different tenure categories**

Land category	Hectares (Millions)	Percentage
State Land	4,080,547	5.4
Customary Land	66,291,530	87
National Parks	5,826,300	7.6
<b>Total</b>	<b>76,198,377</b>	<b>100</b>

Source: Bruce and Dorner (1982: 6)

**Table 1.3: Customary land available per household by province in different years**

Province	Hectares per household				
	1969	1980	1990	2000*	2010*
Central	46.3	38.1	26.9	20.7	16.0
Copperbelt	98.3	32.1	50.9	39.3	30.3
Eastern	4.5	3.8	2.5	1.9	1.5
Lusaka	37.6	33.9	28.0	21.6	16.7
Luapula	20.6	12.2	10.0	7.7	5.9
Northern	54.3	53.3	39.6	30.5	23.6
Northwestern	135.6	105.3	81.4	62.8	48.5
Southern	29.9	25.7	17.1	13.2	10.2
Western	56.2	56.1	42.4	32.7	25.3
<b>Average</b>	<b>53.7</b>	<b>40.06</b>	<b>33.2</b>	<b>25.6</b>	<b>19.78</b>

Note: \* indicates projected figures.

Source: Moll 1996:5

As the population of the customary lands of Zambia grows, communally held land is gradually taken up to serve as individual agricultural land or residential sites for new families. Over time, the proportion of communally held land in the village territories has been reducing in extent. On the other hand the proportion of family or individually held land has been rising. From Table 1.3, it is clear that customary land available per household by province is becoming scarce and even critical in provinces such as Eastern and Luapula. For the year 2010, the projected land available per household in the Northern Province will be just above the national average of 19.78 ha.

Recently the land question in Zambia has become the focus of national debate. This is especially as part of a wider debate on the direction of socio-economic and political change of the country (Hansungule 2001; Zambia Land Alliance 2002; Machina 2002; Mushinfwa 2002; 2003; Adams 2003; Brown 2003; Palmer 2004). After independence in 1964, the ruling United National Independence Party (UNIP), put in place a land policy based on the socialist ideology of Humanism, that supported public ownership of the means of

production rather than individual private ownership. However, the change in Zambia in 1991 from a one party to a multiparty state brought about a new direction in land policy. The Movement for Multiparty Democracy (MMD) came into power in 1991 with a manifesto that pledged to move from state control of land to individual ownership of land. Amongst other things, the MMD manifesto promised to establish an efficient and fair system of conversion of customary tenure to statutory tenure. The MMD also promised to attach economic value to undeveloped land, that was before regarded as having no value and to promote issuing of title deeds to productive landowners (MMD 1991).

It should be noted here that Zambia like some other countries of sub-Saharan Africa remains heavily dependent on development assistance (Lofchie 1986; Barker 1989). Therefore, government policy has been largely sympathetic to donor thinking with regard to the content of land policy. Consequently this new direction in land policy was implemented at the behest of donors (Toulmin and Quan 2000: 9; Brown 2003: 3). The move from Humanism that supported public ownership of the means of production, rather than individual private ownership, to a market economy, resulted in calls for a new land policy that was in line with this shift (Chinene 1993). The debate is centred on reform of indigenous land tenure systems, that govern customary land. The effectiveness of indigenous tenure systems in promoting agriculture and sustainable livelihoods of the country's growing rural population has been questioned (Chinene 1993; Hudson 1996).

The critics of customary tenure have called for a land-titling programme. They argue that registered land title would provide farmers security in land and enable them to use land as collateral for loans from banks for investments in agriculture (Amankwa and Mvunga 1982; Chinene 1993; Hudson 1996). However, in Africa the neo-classical approach to land reform, in which free market models, support conversion of customary tenure to statutory individualised rights, has produced disappointing results. State intervention into rural economies through such programmes has not produced the expected results (Bruce *et al* 1994). During the 1990s, empirical research has provided evidence of the disadvantages of this approach. The approach has been associated with high economic and social costs, and negative consequences for the poor (Platteau 2000; Toulmin and Quan 2000; Cousins 2003a).

The introduction of individualised statutory land titles in customary land tenure jurisdictions has in practice largely benefited powerful private interests. Such land titling programmes often create opportunities for land concentration in the hands of political and local elite, with inadequate safeguards for customary land rights of rural communities. Further, empirical research has not clearly shown that land titling leads to greater agricultural growth (Quan 2000). It should also be noted that the links between statutory land rights on the one hand, and the emergence of land markets and the availability of credit on the other, are also inconclusive. It should be stated that in some instances individualised statutory land titling has led to increasing landlessness and poverty, by undermining the livelihoods of people depending on customary land rights (Quan 2000; Plateau 2000a). For example Quan citing studies on Kenya (Bruce 1986; Green 1987; Okoth-Ogendo 1982; Bruce *et al* 1994) where land titling has been systematically implemented points out that the programme has been accompanied by:

... increased concentration of land ownership especially in the hands of ... those influential enough to manipulate the registration process in their own interests;  
the weakening of customary rights, within households and between different social groups, resulting in diminished security of tenure for non-title holders, notably wives, children and landless farmers who can no longer rely on secondary claims or kinship ties to guarantee access to resources. Particularly, registration has brought about increased insecurity amongst women, especially widows, those without off-farm incomes, and those with no male heirs;  
heightened inequalities in land ownership and agricultural incomes, leading to increased landlessness through land sales, and growing rural-urban migration;  
rising rural unemployment, caused by reduced opportunities for sharecropping and tenancy opportunities;  
diminished food security and increased vulnerability to drought amongst groups whose access to land has been diminished by the titling process;  
increased level of disputes resulting from individual rights being imposed on pre-existing systems of multiple rights; and  
the inability of poorer farmers to acquire title, since the costs are often greater than the benefits (Quan 2000: 37).

In Zambia, despite criticisms of the individualisation of tenure in customary lands, the government chose this approach to be undertaken on a sporadic basis. In order to correct



some of the assumed ills of customary tenure, the MMD government in 1994 introduced a Land Bill in parliament to effect their land policy. This was also done to prepare the administration of rural land for the market-oriented approach. Amongst other things the Bill sought

... to provide for the alienation of land; to provide for the recognition of and continuation of customary tenure and to provide for the conversion of customary tenure into leasehold tenure... (Republic of Zambia 1994:5).

The content of the Bill sparked a national debate in which the opposition and some members of the public argued that although it recognised customary tenure, the Bill was intended to undermine the powers of the chiefs. It was argued that by allowing their subjects to convert customary tenure into individualised statutory leasehold tenure, the Bill was going to have the effect of depriving chiefs of their powers over land. The other criticism of the Bill was the absence of restriction on alienation of land to foreigners. Section 3(3) of the Bill empowered the President to alienate land vested in him to any person. This may be interpreted to include both Zambians and foreigners. Critics maintained that making land available to foreigners without restriction is objectionable because consequently most good land may fall in the hands of foreigners. In this way, the majority of indigenous rural people may become either squatters or farm workers (Kaunda 1995).

Having majority seats in Parliament the government finally enacted the Lands Act No 29 of 1995 that provides for conversion of customary tenure to statutory tenure in the form of 99 years leasehold. However, the law is criticised for being inequitable, favouring the elite and foreign investors to the detriment of the locals especially the poor (Hansungule 2001; Zambia Land Alliance 2002). Brown for example maintains that implementation of the new land law has generated land disputes between villagers, between traditional leaders and their subjects and tension between locals and outsiders. Brown further maintains that conversion of customary land tenure to leasehold tenure has created confusion and insecurity about the future of the commons and customary land in Zambia. He attributes these problems to absence of equitable and democratic land administrative system, which he argues can lead to social and economic exclusion (Brown 2003: 3).

The land tenure debate in relation to the customary lands of rural Zambia continues. The debate revolves around three alternative approaches: (i) the retention of customary land tenure system in its present form, (ii) the reform of customary tenure by adapting it to the current social economic environment and (iii) individualisation of tenure (Hudson 1996; Bruce and Dorner 1982; Mushinfwa 2002). With the passing of the Lands Act, of 1995, the administration of rural land in Zambia has been taken out of the old socialist and interventionist mode. It has been readied for the market-oriented approach that is being adopted throughout the Zambian economy (Moll 1996). A major consequence of this action is that the customary lands of Zambia which were previously managed under customary law, now have a plural system of tenure with some parcels of land being managed under statutory tenure.

In the past, the formally recognised interest groups within the customary lands of Zambia were the traditional authorities and tribal communities. Now the state and private individuals are emerging as important recognised stakeholders of land. This situation may have implications in respect of land allocation, access to resources and conflict between social groups, which in turn can affect the livelihoods of the village communities.

Toulmin and Quan (2000) have argued that without secure access to land and its natural resources, rural people in Africa have little hope of escaping poverty. Land and natural resource rights are vital to subsistence farming, smallholder cash cropping and the collection of forest products. As pointed out earlier the majority of poor people in Zambia live in rural areas. Given a scenario where individualisation of land is taking a grip on the customary lands of rural Zambia a pertinent question has arisen. What land tenure policy should Government put in place to safeguard the livelihood interests of the rural poor, while at the same time promoting agriculture development? This study is about land tenure and rural livelihoods in the customary lands of Zambia. It is essentially an analysis of access to land and its natural resources and livelihood strategies of rural households. In the next section I review some notable prior studies of land tenure in Zambia and provide a justification for this study.

## **1.2 Prior research on land tenure in Zambia**

A variety of studies have been carried out in relation to land tenure in Zambia (or Northern Rhodesia, as it was known before independence). These are summarised and assessed in

Chapter 4, that traces and describes the historical events or factors that have influenced changes in the land tenure system of Zambia. In this section, only a few selected works on land tenure are reviewed, in particular those with a focus on historical, policy and agricultural dimensions.

### **1.2.1 Land tenure: historical and policy studies**

One of the early notable works with regard to land tenure in Zambia is White's 1963 paper entitled *Factors determining the content of African land-tenure systems in Northern Rhodesia*. The study was based on a 1956 systematic survey of African land tenure in Northern Rhodesia. The work was focused on determining the potential land rights of an individual in relation to customary land. White's analysis of potential land rights of an individual was undertaken within a broad conceptual framework including the following components of tenure systems: land acquisition, security of tenure, land transfers, transmission, succession and abandonment. Three matrilineal tribes (the Bemba of Northern Province, the Tonga of Southern Province and Luvale of North Western Province) were used as case studies to examine and contrast the components of customary tenure (White 1963).

White found that differences in the social structure of the three tribes were linked to land holding. He further submitted that matrilineal tribes in Zambia associated with uxori-local marriage tended to practise shifting agriculture accompanied by absent rights over fallow land. In contrast, tribes practising virilocal marriage tended to have more fully realised land rights with rights over fallow and transfers and inheritance of land as a regular feature (White 1963: 370). Using the same framework White also contrasted two other neighbouring tribes, the matrilineal uxori-local Chewa and the patrilineal virilocal Ngoni. He concluded that there was an interaction between the practice of uxori-local marriage and the lack of agriculture stability (White 1963: 372)<sup>1</sup>.

Since independence in 1964, there has been some interest shown in land tenure studies in both an historical and development context in Zambia. Notable among such studies is Palmer (1973); Mvunga (1980; 1982) and Kaunda (1993). These studies analyse historical

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<sup>1</sup> Uxori-local marriage is one in which the couple resides at the village or on the land of the wife's kin. Virilocal marriage is one in which the couple resides at the village or land of the husband's kin.

factors that influenced the restructuring of Zambia's land tenure system and examine proprietary and institutional structures.

Palmer (1973) is an account of history of the land question in Zambia. The account discusses the origins and thinking behind the creation of the reserves. Palmer's account begins in the early 1900s with the coming of white settler-farmers who were predominantly South African. According to Palmer the "settler dream" determined the land policy of the British South African Company and the British Colonial Office in respect of Northern Rhodesia. The "settler dream" was based on the belief that there would be a vast influx of European farmers. Consequently, it was official policy to keep available as much land as possible to provide for such an influx. This meant pushing Africans into inhospitable lands that were not economically viable. The "settler dream" did not materialise and Palmer gives an account of the undesirable effects on the indigenous people of the reserves policy such as overcrowding and soil degradation.

Mvunga (1980) covers the legal dimension of land tenure in Zambia. This work presents a legal analysis of historical factors that shaped Zambia's land tenure system during the colonial period (1924 to 1964). Mvunga explores how the British South African Company (BSA Co.) established its claims on land and mineral resources in the territory. He also examines legal interests in the designated land categories namely Crown Land, Native Reserves and Native Trust lands. Mvunga submits that the creation of Native Reserves, Native Trust Land, and Crown Land was influenced by factors based on economic interests. It was necessary for the colonial government to assure European settlers that they would be allocated sufficient land for settlement and exploitation. Areas known to have mineral deposits were also excluded from land under African occupation. In conclusion, Mvunga underscores the need for rationalisation of the land tenure system given contemporary conditions and the urgent need for development in Zambia (Mvunga 1980: 42).

Mvunga (1982) examines customary law interests in land and the state of the law after Zambia's attainment of independence in 1964. The study also discusses Zambia's colonial tenure heritage, the retention of the *status quo* in land laws, and post-independence attempts at changing the land-tenure colonial legacy. In his conclusion Mvunga suggests a number of remedies including granting of uniform interests; consolidating and rationalising

the land law; and simplifying the machinery for regulating and assuring a land holder's interests (Mvunga 1982: 97).

Kaunda (1993) examines proprietary and institutional structures in respect of land tenure Zambia. The study assesses how well these are suited to the promotion of social-economic-political and environmental goals. Kaunda's main objective is to construct a broad conceptual framework relevant to the study of land policy in Zambia. He argues that the ultimate aim of land policy should be to provide a framework for acquisition, use and transfer of land. Thus, the study is about both property rights under formal and informal systems of law and their associated institutional frameworks. An important part of Kaunda's study concerns customary land tenure. The study examines the validity of various hypotheses on specific aspects of customary land tenure. Data was collected through personal interviews and questionnaires.

The study concludes that generalised views on corporate, or kinship interests and practices have very limited application to Zambia. Kaunda asserts that land-use under customary tenure is individual, and that private property in land has emerged and individual entrepreneurs are increasingly using land for commercial purposes. Kaunda urges the state to recognise and accept these trends and make available facilities for the easier conversion to statutory tenure. On the policy implications of the study, Kaunda favours leasehold rather than freehold tenure and he also recommends a move towards unification of the legal system and a more comprehensive approach to formulation of land policy (Kaunda 1993).

### **1.2.2 Studies of land tenure and agricultural development**

Some studies have focussed on testing neo-classical theory with regard to the property rights and agricultural development (Ng'andwe 1976; Bruce and Dorner 1982; Chinene 1993; Lungu 1994; Sjaastad 1998). Ng'andwe (1976) examines the proposition that traditional land tenure systems are a major constraint on African agriculture development. His case study is of the Kunda people of the Eastern Province of Zambia living in the Jumbe area under Chief Jumbe. Ng'andwe's work is largely descriptive. It is based on visits to five villages where he interviewed Chief Jumbe and twelve emergent farmers.

According to Ng'andwe's findings, cultivation is the traditionally accepted way of establishing individual title to land. He argues that as long as an individual is not impeded from investing in any piece of land to turn it into individual land, communal tenure cannot be said to hinder investment and development. Ng'andwe points out that the major weakness of the Kunda land tenure system is that it was developed within a semi-nomadic society unfamiliar with a money economy and with an excess supply of land. However, Kunda society has changed. First, there is the impact of the money economy, improved agricultural technology and changing consumption habits of the people to consider. Secondly, land is extremely important to Kunda livelihoods. In these circumstances, the question of land tenure becomes critical. Thus, Ng'andwe attributes changes in some aspects of the Kunda people's land tenure system to the continuous exposure to foreign cultures and the money economy (Ng'andwe 1976). Ng'andwe concludes that the Kunda land tenure system does not lack in security of tenure and that investment in land is constrained more by people's limited resources than security of tenure (Ng'andwe 1976: 60). Finally Ng'andwe submits that when all the constraints of agriculture are considered it is unclear if land tenure is to emerge as a major impediment in the agriculture development of the Kunda people (Ng'andwe 1976).

Bruce and Dorner (1982)'s study begins by clarifying some fundamental relationships among land tenure, equity and productivity, and relationships among physical features, land use and land tenure. Secondly, the study presents the historical background of the dual tenure system (statutory tenure and customary tenure) that was formulated and established by the colonial administration. The study then examines tenure issues related to land under statutory tenure (State land) and land governed under customary tenure (Reserve and Trust Lands) based on data from Central, Southern and Western provinces.

According to Bruce and Dorner State lands continue to be the strong focus of production for the market. In contrast, the Trust and Reserve Lands (customary lands) are largely devoted to subsistence agriculture. They explain this by the persistence on state land of an infrastructure associated with access to new inputs, credit and markets. This was planned by the colonial administration to serve the settlers who once farmed the present day State Lands (Bruce and Dorner 1982: 44). Bruce and Dorner also find issue with the Zambian Government's concept of "land without value" on State Land, which implies that bare land is not to be valued in property transactions to guard against land speculation. They

maintain that land has scarcity value, conferred upon it by its superior quality and advantageous location. Thus, they recommend recognition of this value through rents, which recognise differences in value created by differences in quality and location (Bruce and Dorner 1982:45). Bruce and Dorner have also observed a measure of insecurity being experienced by commercial and semi-commercial farmers on Trust and Reserve Lands. Here they recommend that consideration be made for a provision to convert customary tenure to leasehold tenure in areas where a clear need exists. They also consider the customary law of inheritance as an impediment to long term farm development. This is because of uncertainties in some customary systems with regard to the clear designation of heirs (Bruce and Dorner 1982:47).

Bruce and Dorner conclude that land tenure reform is necessary and is an important element in the development process of customary lands. Like Ng'andwe (1976), they do not consider Zambia's land tenure problems to be the primary constraint upon increased food production in the short term. However they believe that there are policy reforms that would help to promote food production in the coming years. That there is also a need to complement land tenure measures with incentives for producers including revision of food pricing policies, and timely delivery of inputs to farmers by government agencies (Bruce and Dorner 1982:1).

Lungu (1994) in his study entitled *Land Tenure and Agriculture Development* discusses the relationship between land tenure systems and agricultural development. The study considers the effects of this relationship on productivity, investment and employment generation. In a case study of Petauke District of the Eastern Province, the study examines the effects of tenure on agricultural productivity, investment and employment creation by analysing primary data concerning access to credit, and marketing, input supply and extension services. The study utilises a "structure and agency" theoretical framework. Institutional models developed by economists and planners are used to explain the relationship between land tenure and agricultural development.

Lungu argues that the prevalence of traditional land tenure systems in the rural areas is inconsistent with the rule structures of modern institutions providing credit, marketing, input supply and extension. It is important to point out that other writers (e.g. Amankwa and Mvunga 1986; Chinene 1993; Hudson 1996) share this view. Lungu, however, points

out that a reform of these land tenure institutions is not a panacea for the improvement of agricultural productivity unless accompanied by the provision of adequate agricultural support services.

In conclusion, Lungu argues that appropriate government policies, institutional frameworks, and land tenure systems that are responsive to the requirements of economic development can contribute significantly to increases in productivity, investment and employment generation in the agricultural sector. He thus, proposes that in Zambia's changed macro economic and political environment, a land tenure reform is necessary to overcome the imperfections of the traditional land tenure system. This would enable many more farmers to gain access to productive opportunities (Lungu 1994).

Recently, Sjaastad investigated land tenure and land use in Zambia with data collected in Northern and Southern Provinces of Zambia (Sjaastad 1998). This study was aimed at investigating the emergence and implications of indigenous land tenures within an econometric theoretical framework (Sjaastad 1998). In addition, Sjaastad assessed whether or not the observed tenures in case study provinces conform to mainstream economic theory on land rights. First, he examines the effects of increasing population pressure on land use and land tenure in the Northern Province. He does this by comparing a remote rural area and a rural area close to an urban settlement. His findings confirm some hypothesised effects often presumed from increasing land scarcity, such as shorter fallow periods and increased land productivity. However, increased tenure security and investment demand is not evident. Second, he analyses the causes and consequences of field scattering in Northern and Southern Provinces. In his findings scattering is not found to have any significant impact on maize yields. The risk theory of scattering is also rejected and instead Sjaastad argues that patterns of settlement, succession and persistent constraints on the alienation of traditional land both causes and sustains scattering of fields.

Thirdly, the study examines land transactions and agricultural commercialisation. Here Sjaastad finds that commercial land transactions are still rare in case study provinces. He argues that evolutionary theories of land rights underestimate the tenacity of traditional norms and customary tenure land transfer modes. In conclusion, Sjaastad makes two important observations. First, that land law has not been effective in influencing traditional land use. Second, that the study does not reveal any evidence that suggests that customary



tenure of land in the Southern and Northern Provinces of Zambia represents an obstacle to enhanced agricultural productivity. He recommends that there is a need for government to maintain sufficient administrative capacity to avoid illegal appropriation of customary lands by powerful individuals and groups (Sjaastad 1998).

Four major themes emerge from this review of land tenure studies on Zambia. First, the historical factors that shaped the tenure system of Zambia. These studies (Palmer 1973; Mvunga 1980) investigated the creation of Native Reserves, Native Trust Lands and Crown Lands during the countries colonial era. They concluded that categorisation of land was based on policies of racial discrimination in favour of settler Europeans and influenced by economic factors. The second theme is legal rights in land and the policy implications thereof. These studies (Mvunga 1982; Kaunda 1993) examined land law and policy in Zambia before and after independence. In particular they examined customary law interests in land, proprietary and institutional structures. An important conclusion from these studies is that the government should grant uniform interests in land, consolidate and rationalise the land law and simplify the machinery for regulating and assuring landholder's interests.

The third theme is the general content of customary land tenure in rural Zambia. These studies (White 1963; Kaunda 1993) were focused on investigating the potential land rights of an individual in customary land. In particular White concluded that there is interaction between uxorilocality, lack of agriculture stability and extent to which land rights are fully realised (White 1963:372). Kaunda concluded that generalised views on corporate, or kinship interests and practices have very limited application in Zambia. He submitted that land-use under customary tenure is individual, and that private rights in land have emerged.

The fourth theme is neo-classical theory on the relationship between land tenure and agricultural development. The thrust of these studies (Lungu 1994; Ng'andwe 1976; Bruce and Dorner 1982; Sjaastad 1998) was to investigate whether traditional tenure systems are a constraint on agricultural productivity. Sjaastad (1998) in particular investigated the emergence and implications of indigenous land tenures within an economic framework and assessed whether or not the observed tenures conform to mainstream economic theory on land rights. Lungu concludes that customary land tenure is inconsistent with the rule structures of modern institutions providing credit, marketing, input supply and extension.

Others (Ng'andwe 1976; Bruce and Dorner 1982; Sjaastad 1998) agree that customary tenure in Zambia does not represent an obstacle to increased productivity in agriculture.

### **1.2.3 Justification for this study**

It is important to note that the horizon of tenure studies in sub-Saharan Africa has widened to include a focus on the connection between land tenure and rural people's livelihoods (Quan 1998; Amanor 1999; Pottier 1999; Toulmin and Quan 2000). However, this is a theme, which has not been thoroughly explored with respect to rural Zambia. There is no doubt that the majority of rural households depend on land based livelihoods. However, despite the high poverty levels among households in rural Zambia (Republic of Zambia 2002; SARIPS 2000), we have not seen much concern to investigate the link between land tenure and rural livelihoods. The current policy focus on economic restructuring, liberalisation and privatisation provides a rationale for revisiting the issue of land and livelihoods in customary lands of rural Zambia.

An important rationale for this study is that the majority of poor people in Zambia live in rural areas and these are the principal beneficiaries of land rights. For these households farming is only one of several livelihood-generating activities. Apart from agricultural activities, these households also depend on common property resources (CPRs) for direct provisioning. Nevertheless the role of CPRs within the livelihoods of people in rural Zambia has not received sufficient attention to date, and this study is an attempt to fill this gap. It is important to recognise that land tenure reform in rural areas will have a major impact on the rural population as a whole, and not just on cash crop farmers. Cash crop farmers are often a relatively wealthier elite with better than average access to productive resources. Community control of resources held under customary tenure is thus an important issue, which this study explores.

In this study it is also important to understand that '... rural livelihoods like rural people are differentiated by social identity, with variable and unequal outcomes depending on class, age, gender, education, location, political and affiliation and so forth' (Kepe 2002: 42). Shipton and Goheen have also observed that land claims in Africa depend on broader social entities, or combinations of them such as homestead families, lineages, villages, chiefdoms, ethnic sections, or other groups or networks (Shipton and Goheen 1992: 307). Consequently social differentiation is a key feature of rural livelihoods and analysis of

social differentiation is an important aspect of understanding land-based livelihoods (Cousins *et al* 1992).

The primary aim of this study is to investigate the role of land tenure in multiple rural livelihood strategies. The study focuses on the changing socio-economic realities in respect of land rights of individuals and households living in the customary lands of Zambia. The thesis argues that land tenure rules and practices are developed in response to a community's need to assure its livelihood and reflect the nature and organisation of its social structure. Thus, policies to promote individualisation of tenure in rural Africa overlook important socio-economic factors that affect how rural productive resources are accessed, used, and contested by individuals or households in support of a whole range of land-based livelihoods. There should be recognition that land and natural resource rights underpin the multiple livelihood activities of rural people. These include subsistence-oriented farming, emergent-farmer cash crops, animal husbandry, and the gathering of forest products and other CPRs (Adams *et al* 1999). Further it is important to note that livelihood strategies are mediated by formal and informal land tenure rules (Freundenberger 1994: 60). Thus, knowledge of how formal and informal tenure rules interact in a community is valuable because it assists in identifying constraints and opportunities to sustainable livelihoods (Quan 1998).

Given this understanding, land tenure reform should situate the needs of farmers for secure tenure within the wider socio-economic context of diverse rural household livelihood strategies. Consequently the study includes tenure of both arable land, and natural resources held as common property. The study also explores the degree to which rural households depend on natural resources for their livelihoods, and estimates direct use values of case study natural resources. Particular attention is paid to social differences of individuals and case study households in relation to access to land and use of natural resources as these have policy implications.

### **1.3 Research questions**

As stated above, this study focuses on land tenure and rural livelihoods in the customary lands of Zambia. It is aimed at examining land issues central to the livelihoods of people living in village communities. The study explores questions of rights to land and natural resources. It investigates current tenure systems and asks whether or not they facilitate, or

impede, secure access to land and natural resources as a livelihood resource for rural households. In particular, the research sets out to answer the following questions:

1. What kinds of natural resources do rural people use within diverse livelihood strategies?
2. How does the land tenure system (formal and informal) function?
3. What social affiliations (groups, networks, and categories) in the community influence land holding, land use and control?
4. In what ways does the land tenure system benefit or disadvantage various actors in their livelihood strategies?
5. How is the land tenure system changing in response to wider social and economic processes?
6. Which understanding of rural livelihood practices should inform policies of land tenure reform in Zambia?
7. What are the land tenure policy implications of the findings?

#### **1.4 Research methods**

The research approach used was mainly ethnographic and in-depth in character and was complemented by Rapid Rural Appraisal (RRA) methods and a small-scale socio-economic survey. Rapid Rural Appraisal methods used include focus groups, participatory mapping, transect walks, wealth and wellbeing ranking, and matrix ranking. The approach was eclectic in the sense that it combined some elements from the positivist, and interpretative approaches to constitute a methodology, that embraces qualitative and quantitative methods of research. The details of how the various methods were used and the justification for this research approach are the subject matter of Chapter 2).

#### **1.5 Layout of the thesis**

This is a study of land tenure and rural livelihoods, based on two case study villages in the customary lands of Zambia. The dissertation is organised in twelve chapters inclusive of Chapter 1, which serves as the introduction. The introduction presents the problem statement, a review of prior studies on land tenure in Zambia and a justification for further research on the topic. It also sets out research questions and outlines the research methodology and research methods.

Chapter 2 presents the research methodology and research methods. The chapter explains

the appropriateness of the eclectic methodology adopted for the study. First it outlines the basic principles of the three social science research perspectives, their tensions, and how they have contributed to land tenure studies in the past. Secondly, it presents the study methodology explaining the complementary combination of research methods, that are normally associated with the different social science philosophical perspectives.

Chapter 3 develops the theoretical framework of the thesis. It reviews and defines land tenure related principles and concepts to indicate how they are understood and used in this study. The neo-classical property rights model is examined with regard to its role in land tenure reform policy in sub-Saharan Africa. The model's adequacy to guide land tenure studies and policy in Africa is assessed and found to be limited. It is concluded that the neo-classical theory of individualisation of tenure overlooks very important socio-economic factors that affect how rural productive resources are accessed, used, and contested by individuals or households in support of livelihoods. As an alternative a checklist with elements from two analytical frameworks the 'community, tenure and natural resource' analytical framework (Freudenberger 1994) and the 'sustainable livelihoods' framework (DFID 1999, Carney 1998; Scoones 1998; Ellis 2000) is discussed and adopted. The checklist is used as a holistic guide to bring together, analyse and present fieldwork materials from the two study sites and to provide insights into the role of land tenure in rural livelihoods and whether or not customary tenure systems constrain household livelihoods.

In order to understand the contemporary land tenure and livelihoods situation in the customary lands of Zambia, Chapter 4 situates them in a historical context. It traces and describes the historical events or factors that influenced the changes in the land tenure system of Zambia. The discussion covers a review of literature phased in three periods of time, the colonial period, the post independence/ one-party socialist era, and the current multiparty democracy situation. These three distinct political and historical phases in Zambia are associated with land tenure changes in the country. During these periods, different governments guided by different political ideologies have pursued divergent land policies. These land tenure policies are outlined together with implications on the livelihoods of rural households.

Chapters 5 and 6 serve as an introduction to the two case study communities. In both

Chapters 5 and 6 the ‘community characteristics and livelihoods’ component from the land tenure and rural livelihoods analysis checklist is used as a guide to map out and analyse the characteristics, livelihoods and vulnerability context of households in the study sites. Particular attention is paid to social structure, location, climate and physical features, demographics, and infrastructure and livelihood activities of households. Information in these two chapters informs analyses in respect of land tenure of crop fields and livelihoods and natural resource tenure undertaken in subsequent chapters.

Chapter 7 is a case study of tenure of crop fields in Kamena. It presents empirical data on case study households selected based on wealth ranking. In particular, it explores how land for crop cultivation is accessed, used and contested by individuals and households. Social affiliations and institutions that influence landholding, land use and control are explored in relation to security of tenure and livelihoods.

Chapter 8 presents a case study on livelihoods and natural resource tenure at Kamena village communities, based on case studies of specific natural resources namely wild edible vegetables and mushrooms, caterpillars and forest building poles. The chapter explores the livelihood context of these selected natural resources, social differences in use rights of individuals and households and household direct use values of natural resources. The chapter also investigates the effect of conversion of tenure on security of livelihoods.

Chapter 9 is a second case study of tenure of crop fields in St. Joseph village communities. In a similar manner to chapter 7, it presents empirical data on case study households selected based on wealth ranking. It also explores how land for crop cultivation is accessed, used and contested by individuals and households. Social affiliations and institutions that influence landholding, land use and control are explored in relation to security of tenure and livelihoods.

Chapter 10 presents a case study on livelihoods and natural resource tenure at St. Joseph village communities based on case studies of natural resources, in particular wood for charcoal, wild edible vegetables and mushrooms, thatch grass and forest building poles. In a similar manner to Chapter 8, the livelihood context of these selected natural resources, social differences in use rights of individuals and households and household direct use

values are investigated. The chapter also investigates the effect of conversion of tenure on security of livelihoods.

Chapter 11 brings together in summary form and synthesises the findings from the two study sites. The focus of the discussion is on emerging key themes from the study findings in Kamena and St. Joseph with reference to comparable cases in Zambia and elsewhere in Southern Africa as well as to broader debates in literature related to land tenure reform and rural livelihoods. Chapter 12 concludes the study with a discussion on policy implications of the findings with reference to customary lands in Zambia and other relevant sub-Saharan and Southern African cases. The discussion is focussed on strengthening customary land administration, adapting customary tenure to the current socio-economic conditions and tackling gender inequalities in relation to land rights.

## **1.6 Summary**

In sum, this chapter is introductory. It has presented the context of the study through a problem statement in which the adequacy of Zambia's land policy with regard to the livelihoods of rural people as well as agriculture development is questioned. Further, the chapter also highlights the national debate on land in relation to the direction of socio-economic and political change of the country. A review of prior studies on land tenure in Zambia is presented, followed by a justification for further research on the topic. Research questions are set out and the research methodology and research methods are outlined. The chapter concludes with the layout of the thesis.

## **CHAPTER 2: RESEARCH METHODOLOGY AND METHODS**

### **2.1 Introduction**

The research approach adopted for this study is eclectic. It has combined elements from three social science perspectives (positivist, interpretative and critical social science) to constitute a methodology that embraces qualitative and quantitative methods of research. The three perspectives serve as basic orientations to theory and research and they are based on different philosophical assumptions about the purpose of science and the nature of social reality (Neuman 1997). In the quest to explain the appropriateness of this research strategy, first I outline the basic principles of the three research perspectives, their tensions, and how they have contributed to land tenure studies in the past. Secondly, I present the study methodology explaining the complementary combination of research methods, which are normally associated with the different social science philosophical traditions.

### **2.2 Social science research perspectives**

#### **2.2.1 Positivist perspective**

Positivism is generally viewed as the approach of the natural sciences. It is attributed to a Frenchman and sociologist Auguste Comte (1798-1857) (Hughes 1990). Positivist thinking is also identified with the work of philosophers working at the University of Vienna (Vienna Circle) in the 1920s and early 1930s (Johnston 1983). The central thesis of positivism is that science must concern itself only with empirical questions and not questions about human values and intentions. This means that science is concerned with reality or with objects that can be sensed and that it is not possible to go beyond what is sensed to some deeper reality (Marsh 1984). Thus positivists maintain that human behaviour can be explained through probabilistic causal laws, behind which are forces behaving similar to laws of natural sciences (Johnston 1983). The positivist ideal position is that science is value-free, neutral, impartial and objective. The positivist research approach favours precise quantitative data and usually uses experiments, surveys and statistics. Positivism seeks rigorous, exact measures and “objective” research in which hypotheses are tested by carefully analysing measured values (Holt-Jensen 1988).



For the positivists the ultimate purpose of social research is scientific explanation. It is motivated by the researcher's desire to understand how the world functions with a motive to control the social environment and predict events. The object is to discover and record universal laws of human behaviour (Johnston 1983). Positivists hold that the social environment is amenable to the development of abstract laws that can be put to test through collection of empirical data (Evans 1988). Positivist scientists also render support to the necessity of the development of models and theoretical principles concerning the unvarying characteristics of the social universe (Neuman 1997:64; Evans 1988). Some positivists also maintain that in future social science laws will

.... be expressed in formal symbolic systems, with axioms, corollaries, postulates, and theorems. Someday, social science theories will look similar to those in mathematics and the natural science (Neuman 1997: 65).

In practice a positivist approach to research requires an investigator to start by deriving a general cause relationship from a causal law in general theory. The causal relationship is then linked to measurements of the social world to replicate previous research. This is done in order to test and confirm causal laws stated in theory. In sum the positivist approach requires that knowledge be acquired through experience that is firmly established as verifiable evidence on which all will agree and its methodology requires verification or falsification of factual statements through the "scientific method" or "hypothetical-deductive method" (Neuman 1997; Johnston 1983; Holt-Jensen 1988).

Critics of positivism accuse it of trying to extend methods from the natural sciences to social sciences (Holt-Jensen 1988). It is thus, accused of attempting to reduce people to numbers and focusing on abstract laws that are irrelevant to people's lives (Silverman 1985; Hughes 1990; Neuman 1997). In this regard Holt-Jensen has observed that

... men have intentions... they cannot be understood as objects as seen from the outside. If you study your fellow men as physical objects you will not get to grips with their intentions (Holt-Jensen 1988:92).

The value-free principle of the positivist approach is said to be impossible because aspects of subjectivity will intrude especially in those stages of the research process in which the

researcher has to make choices (Evans 1988). Positivism is also criticised for restricting social phenomena to that which is directly observable. This is said to lead to omission of non-observable values, meanings and intentions in a given situation (Evans 1988).

However, the positivist approach has enjoyed a lot of support and application in studies of land tenure reform. The thrust of these studies has often been to collect value-free, neutral and objective data and to use mathematical models in data analysis. For example econometric analysis has been used: to relate the value of land to the quality of land ownership documents (Feder and Chalamwong 1988). Econometric analysis has also been used by various researchers to test hypotheses on the impact of land ownership security on farmer's input use and output value (Feder 1987a; Feder and Onchan 1987; Feder and Feeny 1991; Place and Hazel 1993; Migot-Adholla *et al* 1991). Recently the World Bank and Land Tenure Centre have carried out quantitative studies on African land tenure questions. The studies used a positivist approach based on survey research and econometric analysis, seeking relations between security of tenure and agriculture productivity through hypothesis testing (Bruce and Migot-Adholla 1994). There is no doubt that the positivist approach has a role to play in land tenure research. In the next section I discuss an alternative approach to positivism, namely the interpretative approach.

### **2.2.2 Interpretative perspective**

The roots of interpretative social science is associated with the sociologist Max Weber (1864-1920) and Wilhem Dilthey (1833-1911). For Dilthey and others who shared a similar school of thought, nature and culture were different and required different methods of research. Natural science from a positivist perspective, is the study of the objective, inanimate, non-human world. In contrast society, which is a product of the human mind, is subjective, emotive and intellectual. Thus, causal, mechanistic and models of explanation dependant on measurement are not suitable for studying society, because the actions of people are not determined by natural forces (Hughes 1990).

Interpretative social science often referred to as the qualitative method of research is based on *Verstehen* (empathetic understanding), of human experience (Holt-Jensen 1988; Newman 1997). This approach requires the researcher as a human being studying other human beings, to access the social world of others *imaginative reconstruction* or *verstehen* (Hughes 1990). The focus of the interpretative approach is on man as a thinking and

decision making being and not a mechanical responder to stimuli as he is presented in by positivists (Johnston 1997).

The research techniques that are associated with the interpretative approach, are participant observation and field research. The basis of these techniques is that to understand the appearance of social phenomena a method must be employed that gives access to the underlying meanings. These techniques entail that the researcher spends a relatively long time in the company of those under study, so that details of interactions are understood in their context (Evans 1988).

In contrast to a positivist investigator who carefully measures selective quantitative information of a sample from a population and employs statistics, the interpretative researcher lives with his or her subjects for a period of time. During this period of stay he or she collects detailed qualitative data and in this way acquires an in-depth understanding of the subject's social actions in everyday life Neuman (1997:68). This is in contrast to the positivist view that holds that social life is out there independent of human consciousness, waiting to be discovered. The interpretative approach holds that the patterns of human behaviour are not due to pre-existing laws but they are created from the evolving systems of meaning generated through social interaction. Thus, the interpretative researcher must be interested to know what people believe to be true, what they hold to be relevant and how they define what they are doing (Neuman 1997:70).

Interpretative research does not attempt to be value free and it uses research techniques that are sensitive to social context. It maintains that a social researcher must exercise empathy in order to understand the social actor's feelings and views. It does not agree with the positivist approach of testing laws of human behaviour. In sum the interpretative methodology entails the investigation of individual worlds. In contrast to the positivist approach, it stresses individuality and subjectivity rather than replication and truth (Neuman 1997).

Social anthropologists have used the interpretative approach in land tenure studies especially case studies of communities or tribes. The approach has generally entailed long stays by researchers among a people to observe and understand the man to man and man to land relationships. For example Wilson studied the land rights of individuals among the

Nyakyusa of Tanzania for four years (1934 - 1938). His aim was to describe the property in land, which individual Nyakyusa possessed. Wilson took into account the intellectual and emotional factors by investigating Nyakyusa understanding of land and their feelings about it. He explored in detail, land rights of individuals, both in relation to one another and to the villages and chiefdoms (Wilson 1938). This approach has also been used in other important land tenure studies reported in: Allan 1945; Peters 1951; Watson 1958; Colson 1960; 1962; Scrudder 1962; Podedworny 1972; Gluckman 1975; Berry 1988; Shipton and Goheen 1992; Peters 2002.

But the interpretative approach is criticised especially by critical social scientists for concentrating on the individual actors, their intentions and meanings. This is viewed by critical social scientists as a distortion of reality, because it assumes that individuals have the freedom to act. But individuals are constrained by external factors over which they do not have much control (Holt-Jensen 1988; Johnston 1983). In the next section I discuss the critical social science approach in more detail.

### **2.2.3 Critical social science perspective**

The critical science approach is traced back to Karl Marx (1818-1883) and Sigmund Freud (1856-1939). It is also connected to critical theory of the 1930s that was developed in Germany by the Frankfurt School. It is an approach that views social science as a

... critical process of inquiry that goes beyond surface illusions to uncover the real structures in the material world in order to help people change conditions and build a better world (Neuman 1997:74).

Critical social science holds that the critical processes of inquiry will not only uncover the real structures in the material world but will also identify universal structures that provide the motive forces in society (Johnston 1988). In recognition to the contributions of Karl Marx to this structural model, it is often called *Marxist structuralism* (Holt-Jensen 1988). Marx's approach to analysis often called historical materialism is based on examining the dialectics at work within the structure. Dialectics are constituted by a sequence of thesis, antithesis, synthesis, with the sequence being repeated, as each synthesis becomes a thesis. The logic behind this sequence is that any thesis is simply knowledge of a limited value. It generates its own opposition in this case the antithesis. The struggle between a thesis and

it's antithesis is followed by a compromise in the form of a synthesis that includes the best elements of the two but generates its own opposition (Johnston 1983).

According to Marx the contradictions or oppositions referred to above characterise capitalism with its proletariat-bourgeoisie antagonism. A major dialectic central to Marx's historical materialism is that between the productive forces (means of production, the labour power and the objective conditions of labour) and the relations of production. This is constituted by the work situation in which the capitalist owns the means of production, and buys the labour power of the proletariat to produce commodities and create surplus value. According to Marx's historical materialism each society has these class relationships consisting of a privileged class who own the means of production and an underprivileged, exploited proletariat (Johnston 1988).

The thrust of critical research is to critique and transform social relations. This is achieved through research intentionally aimed at revealing underlying sources of social relations with the object of empowering relatively less powerful people to transform the world in their favour (Holt-Jensen 1988). Because critical research is aimed at improving conditions for the less powerful people in society it tends to be action oriented and may raise issues or questions that might embarrass the ruling elite. This is unlike the positivist researcher who often attempts to find solutions to problems as they are perceived by government and corporate elite without disturbing the status quo (Neuman 1997:75).

Critical science and the interpretative approach are in agreement in respect of the changing nature of social reality. They also agree that social reality is subject to socially created meanings. But critical science is criticised for its anti-humanist position. This is because critical science refuses to credit any explanatory weight to human intention. The interpretative approach is in turn criticised by critical science for being too concerned with subjective reality. It is said to put more weight on people's ideas than actual conditions. It is also accused of being more focused on local, short-term settings while paying little attention to the broader and long-term context (Johnston 1983; Silverman 1985).

The position of critical science in respect of what constitutes an explanation of social reality falls between the positivist and interpretative stance. To the positivist causal laws over which they have little control determine human behaviour. The interpretative scientist

believes in the free will of people to create social meanings. Critical social scientists maintain that people's lives are constrained by three factors: their material, and historical conditions and cultural context. These factors limit the people's options and shape their beliefs and behaviour. People however have the potential to develop new meanings that can enable them to transform the unfavourable social structures, relationships and laws in their favour. Thus an adequate critical science explanation of reality: demystifies illusion, reveals the deep structure of conditions, explains how transformation can take place, and develops a vision for the future (Neuman 1997).

The critical science approach has been used especially in studies that attribute hunger and poverty in the Third World, to unjust land tenure systems and political, economic and social policies that enable these systems to prevail. Such studies are generally guided by the Marxist structuralist precept that the economic base determines the superstructure. Thus, the starting point of land tenure studies with a critical science approach is the examination of the entire economic system of a particular society. This is because critical science assumes individual action to be governed and confined by the way the larger economic system functions. These types of land tenure studies have a dialectical approach. This means that they focus on tension and contradictions between opposites to explain the forces that drive society as whole in particular directions of land policy (e.g. Whittemore 1981; Kanyinga 2000; Munjoma 2000).

### **2.3 Research approach and research methods**

In the preceding sections I have discussed the basic principles of the philosophical approaches in social sciences namely positivist, interpretative and critical social science approach. In particular I have shown their fundamental differences, tensions and how research methods from each respective approach have contributed to land tenure studies in the past. After Brannen (1992) the approach of this study maintains that there is no need to take a strong polar position as positivist, interpretative or critical social science in investigating social issues. Consequently an eclectic methodology was adopted that employed a combination of research methods, normally associated with the different social science research perspectives. This was meant to serve different but complementary purposes to investigate land tenure and rural livelihoods. In the following sections the study approach and combination of methods are explained in detail.

### **2.3.1 Study phases**

Research was undertaken over a period of four years between 1998 to 2002. The first half of the first year of the study was spent on developing and refining the research proposal and review of the relevant literature. This included attending a summer school on research methodology at the Programme for Land and Agrarian Studies (PLAAS), a constituent of the University of the Western Cape's School of Government. At this summer school, the first draft of the research proposal was presented. The discussion that ensued was very useful for strengthening the research design in relation to focus, essential concepts and methodological issues. The time spent at PLAAS was also rewarding with regard to access to the PLAAS resource centre, which has relevant literature on land tenure and rural livelihoods. The second half of the first year was spent writing up the literature review and developing the conceptual framework as well as the research instruments for the fieldwork. The second and third year of the study was spent on fieldwork and initial analysis of data. The fourth year was spent on data analysis and write up of the dissertation.

Fieldwork took place in three phases, with ethnographic observations being a part of all three phases, in the following chronological order: (i) Rapid Rural Assessment (RRA); (ii) Questionnaire survey and (iii) Household case studies including in-depth interviews and participant observations. The idea was for RRA tools and a small-scale survey questionnaire to complement ethnographic methods. It is however important to point out that the three research phases were not as distinct as they are reported here. Some information gaps emerged as the study proceeded and this meant that return journeys to case study villages were necessary to fill the gaps. The choice of case study villages and methods are described in the following sections.

### **2.3.2 Choice of case study villages**

It is important at this stage to emphasise that the case study villages that were selected for this research are not meant to be representative of the population of village communities in Zambia. The research design adopted was intensive and sought depth of understanding rather than breadth. Thus, the two case study sites were purposively selected for comparison. One located in a typical remote rural area on customary land (Kamena Village Centre in the Northern Province) and the other located in a rural area on customary land but relatively near to major urban settlements (St. Joseph Mission Village Centre on the Copperbelt Province). Based on this comparison I wanted to gauge the bearing that

proximity and exposure to urbanisation has on land tenure and livelihoods and to explore the linkages between rural household livelihoods and urban economies.

There are twelve villages associated with Kamena Village Centre. One village (Kasonde village) was randomly selected from the twelve and in order to have more coverage of social economic dynamics in the group of villages three other villages (Binda, Chapewa, and Kamena villages) with contiguous boundaries to Kasonde village were included as part of the study. There are 13 small villages associated with St. Joseph Mission Village Centre. One village (Chamina village) was randomly selected as a case study site. In a similar manner to what was done in Kamena to have more coverage of social economic dynamics in the group of villages, three other villages (Chibundi, Mupopele and Safeli villages) near to Chamina are also included as part of the study. Details of the case study villages and the people that inhabit them are reported in Chapters 5 and 6.

### **2.3.3 Rapid Rural Appraisal (RRA)**

The first phase of the study was a reconnaissance survey of the two case study village centres using Rapid Rural Appraisal (RRA) methods. Freudenberger (1994:7) has defined the methodology of RRA as “ a family of methods designed to get practical information on development issues in local communities quickly”. This methodology has been improved upon through the years by allowing local people to actively participate in the collection and analysis of data. The improved version of RRA is referred to as participatory rural appraisal (PRA) (Chambers 1992). Chambers has however cautioned that there is likelihood that PRA may be misused to describe RRA that is extractive rather than participatory. He points out that it is important to

... separate out definitions of RRA as a form of data collection by outsiders who then take it away and analyse it; and PRA as more participatory, meaning that outsiders are convenors, catalysts and facilitators to enable people to undertake and share their own investigations and analysis. There is, then, a distinction between ‘an RRA’ and ‘a PRA’. An RRA is intended for learning by outsiders. A PRA is intended to enable local people to conduct their own analysis to plan and take action (Chambers 1992: 12-13)

In practice a continuum exists between an RRA and PRA and some basic principles of PRA are fully shared with RRA and others are not (Chambers 1992). During fieldwork for



this study emphasis was placed on local knowledge by allowing for the active participation of local people through expressing ideas and perceptions during the appraisal process. However the intention was for the researcher to learn from the local people. For this reason the process was rather extractive and thus the label RRA is maintained. The reliability of results from the RRA methodology is provided for by “triangulation.” This is the use of various techniques and sources to investigate the same issues and to verify the results (Chambers, 1992). The aim of the appraisal was exploratory and it was guided by specific objectives as follows:

- (a) Describe case study villages, their settlement patterns, infrastructure, population, as well as the livelihood activities of the village members
- (b) Identify community institutions and organisations and;
- (c) Identify community vulnerabilities.

At both Kamena and St. Joseph, a research assistant was employed to help facilitate participatory meetings, and to assist with interpretation. A week was spent training the assistants on RRA principles and tools (participatory mapping, wealth and wellbeing ranking, and matrix ranking). Language was not a problem at Kamena because the researcher is competent in Bemba, the language of the local people. This was not the case at St. Joseph’s where Lamba is spoken. The problem of communication was overcome because the research assistant recruited was competent in English and Lamba. The participatory appraisal tools were implemented at village meetings and informal interviews were conducted with a range of informants and interest groups. Information collected through interviews with individuals was triangulated with other individuals and groups.

#### *Participatory census and social maps*

There was a need to collect data on the demographic features of the village communities. Crehan has aptly observed that although a neat and formal definition of ‘the household’ may not exist, the basic units in which people live are households (Crehan 1992:90). For the purpose of this study and for the participatory census and social mapping a household was understood to mean a family unit, or people who normally share a residential site, share production tasks such as cultivation and eat together. Thus, blood, marriage or adoption may relate members of the household. The household may also be comprised of one person.

In both Kamena and St. Joseph the village registers required by law (Republic of Zambia, 1971) were incomplete. The importance of the registers was explained to the village headmen and with their permission a participatory census was conducted at the residence of the respective headman of each study village. Village headmen were requested to invite men and women who had stayed in the villages for a long time to attend participatory census meetings. In Kamena the participatory census meetings were attended as follows: Binda village (4 men and 3 women) Chapewa Village (5 men and 2 women) Kamena Village (3 men and 5 women) and Kasonde Village (4 men and 6 women). In St. Joseph the participatory meetings were attended as follows: Chamina village (3 men, and 2 women) Chibundi village (5 men and 3 women) Mupopele village (3 men and 3 women) and Safeli village (2 men and 4 women).

The census was undertaken by using a social map. At every village, informants were asked to draw a village territory map on the ground showing locations of households in relation to prominent topographic features in the village. Stones marked household locations and the researcher allocated a number written on a paper card to each location. Informants were asked to indicate the number of people living in each household. The researcher allocated a number to each household recorded the name and sex of the household head, and the number of males and females. In the few cases where informants were not sure of some household details, the researcher visited the household later for information verification. The village social maps as drawn by the villagers were transferred into the researcher's notebook. At the end of the exercise the village population was summed up by adding the number of people in each household as given by informants, the number of households was known and the numbers of male and female headed households was known. This process was repeated for the study villages at Kamena and St. Joseph.

#### *Wealth and wellbeing ranking*

Wealth and well being ranking refers to building an socio-economic profile of households in a community. It is based on the recognition that there are inequalities and differences in wealth of households in every community. These differences are important because they influence the behaviour, coping strategies, and views of people. It is based on the assumption that local people have a good sense of the socio-economic status of community members. Usually community members and those from outside have a different

interpretation of wealth, wellbeing, and inequality. Thus, local views are important for developing a deeper insight into wealth, well being and inequality in a community (Theis and Grandy 1991). In this study, wealth and well being ranking gives an insight of wealth differences and inequalities of households at Kamena and St. Joseph. It also reveals local indicators and criteria of wealth and wellbeing at the two study sites. Lastly, relative positions of households in the communities were established and used as a basis for sampling case-study households for in-depth interviews and observations reported in subsequent chapters.

Theis and Grandy (1991) approach to wealth and well-being ranking was used at both St. Joseph and Kamena. Four key informants who had lived in the villages for a long time and knew almost all the households one from each case study village was selected to take part in wealth ranking of households. Before the wealth ranking exercise started, the definition of a household was triangulated with informants and they were also assured of confidentiality and were requested not to discuss the wealth and well-being categories of individual households as this could cause bad feelings within the village. Then a discussion was held on perceptions of wealth and wealth categories within their community. Informants at Kamena came up with four wealth and well-being categories and informants at St. Joseph came up with three wealth categories.

The village household lists produced from the participatory census were used in the wealth and well-being ranking. Wealth ranking works well in communities of about 50 to 150 members. Sorting a lot of cards takes a long time and people become weary (Shields and Slocum 1998). At Kamena, out of 256 households (188 male headed and 68 female headed), a random sample of 85 households was selected. The sample of 85 households for the wealth ranking consisted of 42 male headed and 43 female headed households. These samples were drawn from two lists of male and female headed households. At St. Joseph the villages are small and all the 73 households (53 male headed and 20 female headed) in the case study villages were included in the wealth ranking. The wealth and wellbeing ranking was based on criteria offered by local people.

The name by which each household is popularly known and a unique number were written on a separate card. Informants were asked independently of each other to sort the cards into piles of wealth categories and to talk about major livelihood sources for each household. For informants who could not read, the name on the card was read out by the researcher who then gave the informant the card to place on the pile of own choice. The piles were simply arranged on a reed-mat. The cards were shuffled between sorters, to allow each sorter to start with a random pile of cards. After sorting the cards, the informant was again asked to explain the criteria for each wealth category, and the differences between the piles. This allowed the researcher to record and examine the criteria and indicators used by different informants.

After each informant had sorted all the cards into wealth category piles, the score of each household was recorded on a score sheet according to the number of its pile for ranking purposes by the researcher later. Natural breaks in the average wealth and well-being scores of households were used to place households into wealth categories as per discussion with informants. This means that households with relatively small differences in average wealth and well-being scores were clustered in the same wealth category. Thus, relatively large differences in average wealth and well-being scores separated the cluster of households. Four wealth categories emerged in Kamena (wealthy (*abakankala*), well-off (*abalikobwino*), poor (*abalanda*), and very poor (*ababusu*) and three in St. Joseph (wealthy (*ababile*), well-off (*abalikofyenka*), poor (*abapengele*)).

A notable point common to wealth and well being ranking in both Kamena and St. Joseph is that the majority of female-headed households (single mothers, divorced or widows) were ranked under the wealth category poor or very poor. This confirms Lastarria-Cornhiel's observation that to a large extent gender is a crucial factor in contributing to an individual's opportunities, standard of living, access to resources, and status in rural communities (Lastarria-Cornhiel 1997: 5). Apart from being a basis for selection of households for in-depth interviews, wealth and well-being ranking was useful in understanding local perceptions with regard to the concept of a household, social differences in respect to well-being, the range of livelihood sources, and livelihood strategies.

### *Matrix ranking*

The technique of matrix ranking was used to explore access and use of natural resources in St. Joseph and Kamena. Matrices were developed on flip charts and in some cases on the ground. Matrices on flip charts were laid on the ground for scoring purposes. Informants were given ten small stones and asked to start at the top of the matrix to indicate resource use, abundance, quality, quantities collected, consumption or sales. This was done for different social groups along axes of wealth, gender, age and village residence. Details of matrix ranking for various natural resources are discussed in Chapters 5, 6, 8 and 10.

In conclusion the RRA contributed a wealth of information on the case study sites. Information from the appraisal (e.g. participatory village lists and social maps, natural resource use and tenure types) was also used to inform the design of the short questionnaire interview schedule and in the conduct of the questionnaire survey. In addition during the RRA activities, some land tenure and natural resource use issues emerged that required in-depth study.

### **2.3.4 Questionnaire survey**

The second phase of the fieldwork involved administering a short and structured questionnaire to a sample of heads of households in each village. The questionnaire was designed and carried out on the basis of insights derived from the RRA. The objective of the questionnaire survey was to reveal trends or common patterns within case study villages in respect of land tenure types, livelihoods, credit and transactions in land. The questionnaire was designed in the form of an interview schedule and was divided into three sections. The three sections covered questions on: (i) household composition and household members' engagement in livelihood activities; (ii) land tenure, cropping and livestock; and (iii) credit, investment and sources of income. Although pre-coded answers were provided for each question, respondents could provide answers that were outside the answer categories provided.

At Kamena, a fieldwork team of seven was recruited. Four of the assistants had junior secondary school certificate and three had senior secondary school certificate. All the assistants employed were locals and were competent in English and the local 'Bemba'

language. At St. Joseph, eight Copperbelt University third year planning students who were competent in the local Lamba language were employed as assistants. In both Kamena and St. Joseph, the field assistants were trained in the administration of the questionnaire over a period of three days. During this period, all questions in the questionnaire were translated into the local language. The questionnaire was pre-tested and corrections were made. Because the questionnaire schedules had already been printed at, the Copperbelt University corrections that emerged were inserted by pen. The population lists produced from the basic participatory village census were used as a sampling frame for the households to be interviewed. The number given during the participatory social mapping and census exercise identified each household.

It should be noted that the survey technique by questionnaire, which is often associated with the positivist approach, was used as a preliminary to the main qualitative study. The samples were small and were meant to show patterns through distribution tables and not to be used in tests of statistical significance. From the total population of 256 households (188 male-headed and 68 female-headed) in Kamena, as estimated by the participatory census, it was decided to draw a small sample of 25 per cent (64 households) for the questionnaire survey. The sample was drawn proportionate to the approximate ratio between the male and female-headed households (3: 1). From the total of 188 male-headed households, a random sample of 47 households was drawn. In a similar manner, out of 68 female headed households a random sample of 17 households was selected. However the sample in each village was not necessarily 3 male: 1 female.

At St. Joseph's the villages were relatively smaller than those found at Kamena. Thus, it was decided that a sample be drawn based on a criteria of one out of every two households. Thus, from the 73 households (53 male-headed and 20 female-headed) estimated by the participatory census, a random sample of 36 were selected for the questionnaire survey. The sample was drawn proportionate to the approximate ratio between the male and female-headed households (3: 1). From the total 53 male-headed households a random sample of 24 households was drawn. In a similar manner, out of 20 female headed households a random sample of 12 households was selected. However the sample in each village was not necessarily 3 male: 1 female. Tables 2.1 and 2.2 shows the survey samples according to sex of household head in Kamena and St Joseph respectively. The researcher and assistants administered the questionnaire directly to the sample of household heads.

The household head was taken to be an adult man or woman who normally made the day-to-day decisions directing the affairs of the household. In the case of an absent household head, the spouse was interviewed.

**Table 2.1: Kamena: Survey sample according to gender of head of household**

Village	Male-headed households	Female-headed households	Total
Binda	21	8	29
Chapewa	8	2	10
Kamena	10	3	13
Kasonde	8	4	12
<b>Total</b>	<b>47</b>	<b>17</b>	<b>64</b>

Source: questionnaire survey, March 2000

**Table 2.2: St. Joseph: survey sample according to gender of head of household**

Village	Male-headed households	Female-headed households	Total
Chamina	4	0	4
Chibundi	9	4	13
Mupopele	6	4	10
Safeli	5	4	9
<b>Total</b>	<b>24</b>	<b>12</b>	<b>36</b>

Source: questionnaire survey, April 2000

The importance of information from the questionnaire was that it was used to complement the RRA in presenting the overview socio-economic and environmental context of the communities under study. In particular, the survey revealed patterns in village demographics, household land holdings, economic activities, farming systems, access to credit, and household asset variations. In this way it served the intended purpose of providing quantified background data in which to put in context the small-scale intensive and qualitative studies in the two case study sites. Thus, the questionnaire survey technique was useful as a data condenser to give a picture of the whole sample in summary form concerning land tenure and livelihood trends in the two case study areas. The information also complemented and enhanced the data collected through in-depth qualitative methods in the last stage of the fieldwork to support interpretation.

However, one must, admit that information from the survey questionnaire though sufficient for the production of a comprehensive description of the case study sites, was insufficient for the purpose of explanation. It was not possible in the questionnaire survey to capture people's perceptions of land rights, local power plays around land rights and access to natural resources, changing interpretations of custom and tradition on land matters, gender dimensions, and land disputes. These issues are qualitative and are not easily understood using formal and standardised questionnaire based surveys (Sayer 1992). It is with regard to these issues that the role of the interpretative approach in this study became crucial. It has been maintained that to capture land tenure processes one must observe them (Berry 1994). Thus, the third and last stage of fieldwork entailed ethnographic assessment of land tenure and livelihoods using conversations, semi-structured interviews, participant observations, case study profiles, and focus group discussions. The objective of the third phase of fieldwork was to seek causal explanations of the changing socio-economic realities in respect of land rights and livelihood strategies. Thus, it entailed studying people in their causal context and subsequent analysis of data involved interpretation of the meanings and functions of human actions.

### **2.3.5 Detailed case studies**

In the selection of the case-study households, it was recognised that there are inequalities and differences in wealth in village communities. These differences influence people's behaviours, livelihood coping strategies and views (Theis and Grandy 1991; Scoones 1995). As discussed in section 2.3.3 of this chapter households in case-study villages were subjected to wealth ranking to determine which socio-economic layer each household belonged to. From the wealth ranking a sample of 20 households in Kamena and 20 households in St. Joseph representing all wealth categories were selected for detailed studies. The idea was to capture social differences in land tenure, access to natural resources, use of natural resources and other livelihoods experiences of households in various social economic circumstances. Thus an attempt was made to include households of different backgrounds (married men and women, single mothers, widows, divorced women, the old and the young) depending on different livelihood strategies. The role of interpretative research approach in detailed case studies of households and individuals was crucial. Chambers warns us that



... statistical correlations and regressions do not establish causality. People who live in an area have a comparative advantage in knowing and interpreting what has happened there...(Chambers 1992: 59).

Thus the interpretative approach was used to gain insights of the village people's perceptions of land rights, livelihoods and related issues. Land related issues include: social identity and access to land, local power plays around land rights and ownership of land, land disputes, changing interpretations of custom and tradition on land matters, gender dimensions of land rights and decision making in respect of resource use. These issues are qualitative in nature and are important for explanatory purposes because they are related to factors, which are causal in character (Sayer 1992). Case studies of individuals and households entailed the use of qualitative methods: some drawn from RRA, semi-structured interviews, and participant observations. These qualitative methods were used so that key aspects of cases could be seen more clearly.

#### *Estimating case study household direct-use values from natural resources*

The concept of direct-use value estimates the value obtained from using a resource either through consumption or through non-consumption (Shackleton *et al* 2000). This was used to estimate in monetary terms the direct-use value from natural resources harvested and consumed by case study households or traded in the market locally. Data was collected using, measurements of weights of natural resources market units, estimating and recording household sales and consumption of natural resources, participant observation, focus group discussions and semi-structured interview methods. In order to capture differences in direct-use values of forest food products between households, female research assistants kept records. I used female assistants because domestic tasks especially household provisioning is by custom considered a female issue. For each case study household, the number of wild food product meals consumed and products sold were recorded. This was done for a full year for each case study household (November 2000 to October 2001 in Kamena) and (January 2001 to January 2002 in St. Joseph).

The direct-use values were calculated by multiplying the amount of natural resources consumed or traded by a household by the average local price per unit of measure. The calculations of direct-use values do not include costs of inputs and labour, thus the values presented are gross values. It is important to keep in mind that these direct-use values are

not exact. They are meant only to be indicative of differences in monetary terms of sales and consumption of natural resources amongst households of different social groupings. Here we see that quantification of data is not exclusive to positivism and the quantities estimated in this case do not constitute explanation. As I conclude this section I must also point out that the study has also been complemented by some information acquired through search of secondary sources. This includes livelihood studies on the Copperbelt carried out by Oxfam and livelihood studies in Northern Province undertaken by Khanya (Oxfam-Great Britain 1998a; 1998b; Khanya 2000).

#### **2.4 Fieldwork problems**

A number of problems were encountered during the fieldwork for this research. The study approach required the researcher to stay at the two study-sites for long periods. This was a problem because the sponsors of the researcher, the Copperbelt University, do not make a provision for fieldwork expenses. The researcher had to make personal arrangements to fund the fieldwork. In the second year of the study, relief came from the Association of African Universities (AAU) who made funds available for this purpose.

The second problem was in relation to the village registers kept by the headmen of the case study villages. The registers were incomplete, and hence unreliable as sampling frameworks. This was overcome through the participatory census conducted in each village. Another problem was the lack of large-scale maps to show topographic details of the village. The only maps available were small-scale and did not show the location of farms, homesteads or village boundaries. In addition, the state of roads and footpaths at both sites was very poor. Long distances had to be travelled on bicycle and on foot to reach distant households. Another notable drawback was with regard to the researcher's health. Both Kamena and St. Joseph were infested with mosquitoes. The researcher suffered from malaria on several occasions. Little work was done on the many days, spent undergoing treatment.

#### **2.5 Summary**

This chapter has shown that the research approach adopted for this study is eclectic. It has combined some elements from the positivist, interpretative and critical social science approaches to constitute a methodology that embraces qualitative and quantitative methods

of research. The combination of participatory methods, sample surveys and the traditional anthropological method is meant to serve different but complementary purposes. To this end, the discussion has attempted to emphasise the complementary role of research methods, which are normally associated with the different social science philosophical perspectives. In the next chapter a review of central theoretical concepts is presented together with a discussion of adopted analytical frameworks of land tenure and rural livelihoods respectively.

## **CHAPTER 3: LITERATURE REVIEW AND THEORETICAL FRAMEWORK**

### **3.1. Introduction**

In many sub-Saharan African countries, land tenure reforms and the relationship of these to rural livelihoods and agriculture are currently the focus of lively policy debates. The majorities of the people in these countries live in rural areas and largely depend on access to land and natural resources for their livelihoods (Quan 1998). There is no doubt that land and its natural resources are closely linked with the socio-economic interests of the rural communities (Acquaye 1984). Development specialists and planners have stressed the importance of land to human livelihoods, especially for people living in agrarian countries:

Directly or indirectly, these countries remain heavily dependent on land for the elemental needs of survival, for habitation, subsistence cropping, or for foreign exchange earnings; their socio-political structures have frequently been determined by access to and control over land resources (West 1982:1).

Current concerns with economic restructuring and moves towards a market economy in sub-Saharan African countries have brought fresh energy to the longstanding debate on the reform of indigenous or customary land tenure arrangements. These apply on land on which most rural households graze their animals, gather forest products and cultivate their holdings (West 1982; Simon 1993; Bruce 1993b; Amanor 1999). Governments are under pressure to re-examine their land policies with regard to rural livelihoods (Quan 1998), and the commercialisation of agriculture, partly as a in response to the requirements of donor countries and international lending institutions (Simon 1993; Lawry 1994).

It is the intention of this chapter to review theory with regard to land tenure reform and rural livelihoods in Africa and to come up with a conceptual framework to guide the study. In the next section land tenure reform related concepts are defined, to indicate how they are used in the study. This is followed by a discussion of the neo-classical property rights paradigm and nationalisation of land approach and their limitations as models for land tenure reform in sub-Saharan Africa. The chapter also reviews the concept of ‘adaptation’ paradigm in land tenure reform, and land rights in social context including gender. This is followed by a discussion of the ‘community, tenure and natural resource’ framework and the ‘sustainable livelihoods’ framework respectively. In conclusion a land tenure and

livelihoods analysis checklist constituted from these two analytical frameworks is adopted and presented as a guide to present case study materials.

### **3.2 Land tenure concepts**

#### **3.2.1 Land policy and land reform**

The fact that most human livelihoods and material wealth are derived from land makes it imperative for society to have guiding principles, to regulate rights and interests in land (Simpson 1976). All social, economic and legal guiding principles, and rules which govern the ownership and use of land resources in any society are said to constitute a 'land policy' (Acquaye 1984). Generally such policy depends on the political philosophy of the government and is executed by government through its relevant agencies. It is meant to be a strategy for economic development and a guide to facilitate the best economic use of land in a nation (Acquaye 1984).

Economic development issues concerning land tenure are often related to the concept of 'land reform'. This is because many development specialists and planners believe that land reform is a prerequisite to economic growth and well being of people living in developing agrarian countries. The term land reform refers to a government measure undertaken to redistribute landholdings and this results in a change of agrarian structure (Bruce 1993). Platteau has indicated that land reform can involve radical land redistribution, land ceilings, transformation of tenants into owners and other measures (Platteau 2000a). The purpose of land reform usually depends on the political inclination of the government, which initiates it (Fleming 1975). For example, the goal of the South African government's land reform programme is to address the legacy of apartheid in respect to land distribution and to create security of tenure and certainty in relation to rights in land for all South Africans (Department of Land Affairs 1996). Some land reform programs seek to redistribute land and to adjust historical inequalities. Examples of this approach are the Ethiopian land reform and the repurchase of European lands in Kenya and Zimbabwe (Bruce 1993: 13). On one extreme, land reform may lead to government acquisition of land to facilitate for a socialist form of tenure, on the other it may lead to individualisation of tenure (Fleming 1975; Whittemore 1981). The processes may involve expropriation and break-up of large estates and their distribution among former tenants (Raup 1963; Fleming 1975; Bruce and Migot-Adholla 1996).

### **3.2.2 Land tenure and agrarian structure**

A meaning for the term land tenure that can be applied across cultures is problematic. The problem lies with the ethnocentric nature of the concept of land tenure, which in its widest sense has diverse implications in different societies (Dickson 1982; West 1982). Land tenure situations are different from one country to another and differences also exist between different communities within the same country (Acquaye 1984). It should thus be noted that the term 'land tenure' may not have a precise translation into African languages and it may not reflect rural African ways of thinking about land (Shipton and Goheen 1992).

According to Bruce (1993a: 1), 'land tenure' means the terms on which land is held. This refers to the rights and obligations of the holder of land. Bruce further explains that a land tenure system cannot be understood unless it is related to economic, political and social systems from which it has been produced. This observation suggests that a study of land tenure demand both an understanding of the tenure regime itself and its relationships with these other systems. It is therefore vital to understand the local: meaning of land; like social affiliations that affect land-use and control and sources of power and influence over landholding (Shipton and Goheen 1992).

Others stress the importance of understanding the social, institutional, administrative and legal aspects of landholding, because they determine utilisation, ownership rights and interaction over land. Land tenure provides the incentive, opportunity, equity and patterns in land use (West 1982:4; Basset 1993). Land tenure takes the form of contractual or customary arrangements and procedures, governing the rights, obligations and liberties of individuals and groups in the use and control of land resources (Acquaye 1984). This study recognises the political, social and economic dimensions of land tenure and its dynamism. Thus, land tenure is conceptualised as a process in which access to land, its control and management is an aspect of wider social, economic and political structures that change over time (West 1982; Basset 1993). Land tenure systems are thus dynamic; they are subject to changes in society and can be restructured or reformed.

Another important term used to characterise land holding is 'agrarian structure'. The term 'agrarian structure' distinguishes a system of land holding with reference to the pattern of

distribution of land among landowners. An agrarian structure can either be unimodal or bimodal. A unimodal agrarian structure is one in which most of the land is owned by medium-sized landowners. A bimodal agrarian structure is one in which most land is owned by very large landowners and by very small landholders (Bruce 1993a: 2). However in defining the term agrarian structure Kuhnen goes beyond patterns of distribution of land among landowners. Kuhnen points out that the term ‘agrarian structure’ refers to all of the existing and lasting production and living conditions found in a rural area. It includes social, technological, and economic elements and determines the achievable productivity, income and its distribution, and the rural population's social situation (Kuhnen 1982).

### **3.2.3 Land tenure reform and security of tenure**

The use of the term ‘land tenure reform’ refers to “...a planned change in the terms and conditions on which land is held, used and transacted” (Adams *et al* 1999:2). Reform of land tenure implies an improvement aimed at providing more robust property rights in favour of the land users’ tenure security (Bruce and Migot-Adholla 1996). It should be noted that land tenure reform and land reform do not refer to the same thing. As pointed out earlier, the land reform process often includes the redistribution of landholdings, which in turn affects, the agrarian structure. Land tenure reform on the other hand is aimed at changing the rules of tenure. Usually it also includes confirmation of *de facto* rights in land, thus leaving the people holding the same parcels of land with the benefit of increased ‘security of tenure’ (Bruce 1993a; Adams *et al* 1999).

The term ‘security of tenure’ is widely used in the land tenure literature with regard to economic development. Investigators of social and economic aspects of land tenure have used the term security of tenure in three distinct ways that require clarification. Security of tenure is often used with reference to: the *certainty*, *duration* and full rights or *robustness* of land rights (Bruce 1993a; Bruce *et al* 1994a). It is instructive at this stage to review the differences in the usage of the term. When used with reference to certainty, security of tenure refers to the landowner’s protection of rights or security of possession and non-interference by the state or private entities. This means that as long as the landholder is assured of possession and use of a particular land for a specified period, which may be long or short, then according to this usage, the tenure is secure (Bruce 1993a).

The second usage of security of tenure includes certainty and long duration of tenure. In this case the certainty and long duration are related to incentives in investment in the land. The measure of security of tenure is examined in connection to the time required to recover the capital investment in land. Thus a tenure which is not of sufficient duration or is uncertain for desired investments will be judged to be insecure (Bruce *et al* 1994). To be adequate, security of tenure in this respect must be of sufficient time to satisfy the purpose for which the land will be put to use. For instance, the security of tenure for annual crops such as maize is not adequate for long term crops such as coffee (Simpson 1976).

The third dimension of security of tenure is the requirement of full rights in land or robustness of rights. Bruce elaborates that ‘ even if the tenure is secure for the lifetime of the holder, and inheritable by the children of the owner, it may be considered insecure under this use of the term, for example, if it cannot be freely bought or sold (Bruce 1993a: 3).’ This usage of the term refers to full private ownership. However, Bruce points out that although this usage of the term is common among advocates of private ownership, it is confusing (Bruce 1993a).

### **3.2.4 Land tenure regimes**

There are various land tenure regimes or property rights in operation in the rural areas of Africa, which govern the access and use of natural resources. Property rights regimes do have consequences with regard to agricultural incentives, certainty of tenure and credit transactions (Feder and Feeny 1991). They are also critical for rural households in their choice of livelihood activities and strategies (Quan 1998; Amanor 1999). It is instructive to examine the nature or characteristics of these tenure regimes and to define concepts related to them.

Property rights in land can be categorised under four basic types: state property; private property; common (communal) property; and systems with unrestricted access to resources or open access (Feder and Feeny 1991; IFAD 1995; GTZ 1998). Each one of these property rights categories has its own characteristics in respect of exclusiveness, inheritance, transferability and enforcement mechanisms. They constitute the rights and responsibilities of resource use and management by individuals or groups of people within a community (Feder and Feeny 1991).



*(i) State property regimes*

Under state property regimes the stewardship of land and natural resources is vested in the state. This means the state owns, manages and is entitled to income generated from the resource (IFAD 1995). In order to overcome colonial land policies, most African countries, which had become independent nationalised the land and exercised direct state influence in the management of land and its resources. Nationalisation of land was often meant to enable governments to implement their programmes related to distribution and social objectives or allocation efficiency and modernisation (GTZ 1998).

*(ii) Private property regimes*

In contrast to state property regimes, resources under private property regimes are owned and managed by private persons and legal persons such as corporations or partnerships (Bruce 1993a). Such owners are entitled to exclusive rights of income generated from the resource. Thus, while ownership and management of resources under state property regimes are vested in the state, private property regimes are owned and managed by individual entities. Ownership of private property is accompanied with duties and responsibilities such as encumbrances and servitude's. The owner has the right to use the land and resources on it within the limits of the law and has the right to exclude others from resulting revenues. In addition the owner of private property has the right to sell, to bequeath, to give away or to lease and to pass secondary rights to third parties (GTZ 1998). It is important to note that private property is an ideal concept and may not exist in its pure form because of government restrictions aimed at protection of the social and physical environment (GTZ 1998; Bruce 1993a).

*(iii) Common property regimes and open access resources*

Under common property, exclusive rights are assigned to a well-defined or specified group. Such a group uses the land communally according to known and mutually accepted rules (Feder and Feeny 1991). The property-owning group is usually a social unit living in an area with defined boundaries under their own system of authority. Non-members of the group are excluded from use or have lesser rights (IFAD 1995; GTZ 1998).

It is important to note that exclusion of non-owners is an important common characteristic of common property and private property regimes. Confusion has been known to arise when the term common property is used to refer to open access situations. It should be

noted that under open access, rights are left unassigned. Thus, common property should be distinguished from situations of open access in which property rights are not recognised (IFAD 1995; GTZ 1998). The confusion in understanding the difference between common property regimes and open access situations are explored in the next section, which discusses the concept of “common property resources”.

### **3.2.5 Common property resources**

Much theory in respect of common property resource (CPR) is devoted to disproving Hardin’s (1968) proposition that a ‘tragedy of the commons’ is inevitable. Hardin argued that:

The tragedy of the commons develops in this way. Picture pasture open to all. It is to be expected that each herdsman will try to keep as many cattle as possible on the commons. ... As a rational being, each herdsman seeks to maximise his gain. Explicitly or implicitly, more or less consciously, he asks, “What is the utility *to me* of adding one more animal to my herd?” This utility has one negative and one positive component.

The positive component is a function of the increment of one animal. Since the herdsman receive all the proceeds from the sale of the additional animal, the positive utility is nearly +1.

The negative component is a function of the additional overgrazing created by one more animal. Since however, the effects of over grazing are shared by all the herdsman, the negative utility for any particular decision making herdsman is only a fraction of -1.

Adding together the component partial utilities, the rational herdsman concludes that the only sensible course for him to pursue is to add another animal to his herd. And another; and another... But this is the conclusion reached by each and every rational herdsman sharing a commons. Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit – in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all (Hardin 1968:1244).

Hardin's argument is that an arrangement in which a group or community manages the commons inevitably leads to resource degradation for two reasons. First the private benefit of maximising returns by increasing an individual's herd exceeds private cost and secondly the related cost of degrading the resource is borne by the whole group (Cousins 1995; Lane and Moorehead 1995; Shackleton *et al* 1998a). However, other observers have counter-argued that Hardin failed to distinguish open access situations, which are characterised by an absence of defined property rights controlling access and use of resources, and common property in which a specified group's exclusive rights are defined and limited to prevent over-exploitation of resources. Such a group uses resources communally according to known and mutually accepted rules and non-members are excluded. In addition the property-owning group is usually a social unit living in an area with defined boundaries under their own system of authority (Bromley and Cernia 1989; Lawry 1990; IFAD 1995; GTZ 1998; Okoth-Ogendo 2002).

It also has been observed that there is no such thing as common property resource, there are only resources managed as common property (Bromley 1992). These resources managed as common property are referred to here as common property resources (CPRs) and are defined as:

... any resource that is subject to individual or group use but not individual ownership and is used under some arrangement of community or group management (Shackleton *et al* 1998a:7).

It is also important to note the "subtractability" attribute of CPRs, in order to distinguish them from collective goods, which do not have this attribute (Ostrom 1992). An individual without subtracting from the amounts available to other co-owners can consume collective goods. On the other hand subtraction is typical of resources from the commons. A resource harvested from the commons by an individual is not available to other co-owners (Ostrom 1992; Shackleton *et al* 1998a).

In contrast to open access situations, under common property regimes community rules are developed and enforced, incentives exist for individuals and households in the community to conform to institutional arrangements and sanctions are in place for non-compliance (Bromley and Cernia 1989). For this reason community ownership of land does not inevitably result in Hardin's 'tragedy of the commons'. However, there is no doubt that institutional authority over common resources is fundamental for effective common

property management. In the absence of an institutional authority an open access situation develops and Hardin's predicted tragedy of the commons is likely to occur (Bromley and Cernia 1989).

In practice management of common property resources is a complex issue. One of the main problems is that within common property regimes different tenure systems can coexist. For instance, in some customary tenure systems of Africa arable plots are the private property of the cultivator during the rainy season, but the same plots revert to common property after the growing season and serve as grazing areas for community livestock (Shackleton *et al* 1998a; Bromley and Cernia 1989). There are also cases of individual claims over valuable resources on the commons (Cunningham 1990; Clarke *et al* 1996). In some cases open access situations prevail for lower value or more distant resources, while common property rights govern those resources requiring intensive management (IFAD 1995; Shackleton *et al* 1998a).

The various overlapping user groups, that may include livestock owners, farmers and gatherers of edible and non-edible natural resources, make the situation of different tenure systems and individual rights on the commons even more complex. This complex situation can result in inequitable access to resources and potential for conflict, especially between subsistence and commercial users or between commons users and individual farmers carving out land from the commons for private agricultural purposes. Usually it is the less powerful and vulnerable people within a community, especially women and the poor who are most dependent on a variety of common property resources for their livelihood needs that lose out (Shackleton *et al* 1998a; Quan 1998). Thus, an effective common property regime must take into account all the various user groups and put in place systems for managing overlapping interests on the commons (Shackleton *et al* 1998a).

It has become a dogma of some land policy makers in Africa that farmers cultivating and grazing communal lands seek to intensify their activities without taking responsibility for the decline of the pasture or degradation of the soils. This belief is of course based on Hardin's 'tragedy of the commons' assuming that customary land which farmers cultivate or graze is 'open access', lands over which no one takes responsibility and inevitably degrades. This links resource degradation to common system management of land and suggests that sustainable management of the resource base will only come about through

the promotion of private property. This will ensure that those who benefit individually have also to pay the costs of their actions (Lane and Moorehead 1995).

However, there is plentiful evidence to demonstrate the potential effectiveness of common property regimes. In Africa, notable case studies of successful implementation of management systems of the commons and reversal of open access situations include the Senegal livestock development project, Middle Atlas Central Agriculture Development Project in Morocco, wildlife conservancies in Namibia and the CAMPFIRE Programme in Zimbabwe (Shackleton *et al* 1998a: 8). In fact, many authors are now advocating for support of existing common property regimes and institutions. It is argued that most rural households depend on resources from the commons for food, fuel, fodder and other products without which their livelihoods would be constrained. There is no doubt that common property regimes assure a safety net for the poor (IFAD 1995). On the other hand, privatisation of resources usually concentrates access to resources in the hands of the rich to the detriment of the poor without the expected outcome of effective resource management (Shackleton *et al* 1998a).

Within Southern African various, studies have shown that a variety of wild resources are harvested or collected from village commons and processed for household consumption or sale (Cousins 1993; Shackleton *et al* 1998; Shackleton *et al* 2000; Zimba 2000; Kepe 2002). Some studies have also stressed the relatively high direct use values of resources from the commons and their valuable contribution in minimising poverty amongst rural households, a contribution which policy makers until recently have often ignored (Shackleton *et al* 2000; Kepe 2002). ‘Direct use values’ here refers to the value obtained from using a resource through consumption or through direct but non-consumptive ways (Shackleton *et al* 2000). It is however important to note that the real economic value of resources from the commons goes beyond the measure of direct use values or monetary significance. Indirect use value (environmental functions) and passive or non-use value (cultural, religious and existence values) are just as important (Shackleton *et al* 2000).

Having refuted Hardin’s theory of ‘the tragedy of the commons’, most studies are now focusing on investigating factors, conditions and criteria under which common property resource management can succeed (Lane and Moorehead 1995; Shackleton *et al* 1998a). From these studies a body of theory is developing, which seeks to specify the necessary

conditions for the existence of common property, its attributes and the necessary elements for its success as a form of resource management (Bruce, 1993a). Shackleton and others have summarised the conditions and criteria for successful management of common property from Ostrom (1992) in this way:

If a CPR is a valuable resource worth the costs of managing it, the perception that benefits exceed costs is more likely to arise when participants have relatively full and accurate information about: a) the physical nature of the resource, b) past use, c) the relationship of demand to supply, d) the benefits and costs of various actions and outcomes, and e) the likelihood of compliance by other participants. If the resource is relatively small, the boundaries clear, and reliable indicators of condition and yield are present, resource users are able to develop a common understanding of the amount and value of the CPR, more open communication is possible, again facilitating joint action. Successful co-ordination is affected by the prior experience users have had with local organisation, knowledge about experiences of other groups trying to solve similar problems, the certainty of their own status as owners, and a capacity to take local initiative (Shackleton *et al* 1998a: 37).

Scholars are now revealing evidence to illustrate how customary tenure systems in Africa have been undermined by the inability of rural producers to co-ordinate their actions. This inability is often attributed to the imposition of unsuitable land tenure systems and policies by donors and the post-colonial state (Lane and Moore 1995; Okoth-Ogendo 2002). Empirical evidence and theory are converging to show that, where local producers are empowered with the opportunity and resources to develop their own management institutions and tenure systems, they are able to do so effectively (Lane and Moorehead 1995).

### **3.2.6 Theories of land reform**

In concluding this section it is important to point out that, historically the dichotomy between socialist and liberal market orientations has influenced theories of land reform. Thus, from a socialist point of view, Marxian theory has been used to understand land reform as a class struggle between the proletariat and the capitalist landed gentry. This has been the thrust of land reform theories in respect of the developing nations of Asia and Latin America where land is concentrated in few hands (Whittemore 1981). For governments with a socialist orientation, land reform would constitute state ownership of

all lands, and a programme of collectivising the land tenure system, as was the case in Tanzania, Benin, Ethiopia and Mozambique (Okoth-Ogendo 1993).

On the other hand land reforms which are premised on the individualisation of property rights, have been theorised through the neo-classical property theory. This is an attractive framework for governments that are inclined towards liberal market economies. Up to the late 1980s, neo-classical property rights paradigm has been the driving force behind land reform in most sub-Saharan African countries (Barrows and Roth 1990; Migot-Adholla *et al* 1991; Shipton and Goheen 1992; Okoth-Ogendo 1993; Place and Hazel 1993). During the 1990s, however neo-classical property rights theory has been questioned and reassessed with regard to tenure reform in sub-Saharan Africa. There are calls to abandon the 'replacement paradigm', which advocates for replacement of indigenous tenure by statutory tenure provided by the state. Toulmin and Quan (2000:5) point out that:

A new paradigm is emerging which does not prescribe a specific approach to land reform. The paradigm is based on pluralism and the imperative of African national, regional and local governments, tribal groups, villages, communities, and civil society organisations negotiating their own solutions to securing access to land (Toulmin and Quan 2000:5).

An 'adaptation paradigm' which supports gradual changes of indigenous tenure systems is favoured (Bruce *et al* 1994). The discussion in the next section is focused on the theoretical principles and assumptions of the property rights paradigm. This is done to assess the adequacy of the neo-classical property rights paradigm as a conceptual framework for land tenure studies that are meant to inform land policy in sub-Saharan African situations.

### **3.3 Neo-classical property rights paradigm**

In several sub-Saharan African countries, land tenure is characterised by dualism, consisting of tracts of land held as state property and other lands held under indigenous tenure systems. This is especially common in former British colonies of southern Africa (Okoth-Ogendo 1993), where land governed under indigenous tenure systems are spatially separated from state land (former Crown Land) from which governments are able to grant freehold or leasehold rights to private land users (Quan 1998).

The majority of farmers in sub-Saharan Africa hold their land under indigenous land tenure

systems and the adequacy of these systems have been the concern of many scholars and development specialists (Bruce, Migot-Adholla and Atherton 1994a). Since the colonial era the property rights paradigm grounded on neo-classical theory<sup>2</sup> has been used to argue that indigenous African land tenure systems are inefficient in allocation of resources and that they are inconsistent with the requirements of modern market economies (Barrows and Roth 1990; Basset 1993). Okoth-Ogendo has observed that:

The primary defect, it was argued, was the fact that these tenure systems were communal, meaning that all the attributes of “ownership” were thought to reside in the “tribe,” ... From this flowed certain inherent problems, namely, that African tenure systems were (a) incapable of providing security for land development since, among other things, title could not be marketed or otherwise negotiated; (b) generators of fragmentation and eventually sub-economic parcelation by reason of the fact that every adult member of a given unit was always entitled to some land; conditions that led to diseconomies of time, labour utilisation, and scale; c) the source of incessant disputes by reason of diffuseness of rights and lack of clear title and thus a disincentive to long-term investments; and (d) by reason of thus being “communal,” so fraught with externalities that land deterioration was inevitable (Okoth-Ogendo 1993: 256).

In some cases colonial authorities were of the belief that individualisation of tenure was the answer to the social and economic ills of indigenous tenure. For example, in Kenya, through programmes of land registration, it was hoped that a stable African middle class would be created; security of tenure would be increased; costs of litigation in respect of land would be reduced. Further, that agricultural investment would be promoted; land title would be used for credit; a land market would emerge; and uneconomic land fragmentation would be controlled (Swynnerton 1954). All these expectations were seen as necessary conditions for improving the agrarian economy. The rationale behind Swynnerton’s recommendations was the neo-classical property rights paradigm, the main principle of which is the efficient functioning of markets. It stresses the importance of three principles in land reform: clear definition of property rights, internalising of costs and rewards and freedom to effect property rights contracts. In sum it advocates for a system of tenure embracing private property rights and a free market in land (Barrows and Roth 1990).

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<sup>2</sup> For further insights of the “neo-classical paradigm” of property rights see Demsetz (1967)



Contemporary criticism of African tenure systems is still largely based on neo-classical land tenure theory. Advocates of the neo-classical property rights paradigm believe that under indigenous African tenure, costs and benefits are not internalised. This means that all costs and benefits of individual action do not accrue to the decision-making unit. Thus, social costs and benefits are not equal to private costs and benefits (Barrows and Roth 1990). It is maintained that in this situation individuals do not have the incentive to incur private costs, which produce social benefits for all. The behavioural assumption behind the neo-classical property rights paradigm concerns the autonomous land and natural resource use maximiser acting selfishly to better his own situation without regard for others in the group.

The freedom to enter into land contracts is also regarded as an important economic aspect of a property rights regime. It is maintained that if a system of land tenure does not allow land transfers or sales through a market, it has the effect of reducing investment through a demand and supply effect. A farmer who cannot sell his land because of tenure restrictions suffers a decline in the value of his investment because he loses the flexibility of converting a fixed place asset into another (Hudson 1996; Barrows and Roth 1990). In addition, the restriction on the sale of land lowers the collateral value of the parcel of land to the lender. It is thus, argued that lower investment is expected under customary tenure than under individualised tenure (Feder 1987). In line with this thinking, the freedom to effect contracts in land and the certainty of tenure under private property regimes are expected to reduce transaction costs of transfer and promote a land market when land is scarce. It is thus concluded that a free land market will enable those who can put land to its highest valued use to bid it from the less efficient users (Barrows and Roth 1990).

The problem of the agrarian situation in sub-Saharan Africa is seen by neo-classical theorists as one of removing constraints of indigenous tenure systems in responding to the changing technological and socio-economic conditions (King 1977). Advocates of the neo-classical property rights paradigm are of the view that indigenous African land tenure systems are inefficient in allocation of resources because of their unclear property rights. It is maintained that in order to internalise land use costs and rewards, property rights in land must be established and vested by law in a particular individual or group (Feder and Noronha 1987; Chinene 1993; Hudson 1996). This makes it less difficult to identify and

verify ownership of land and increases security of tenure. Ambiguities in African land tenure are blamed for increases in transaction costs related to establishing ownership and completion of contracts of sale (Barrows and Roth 1990).

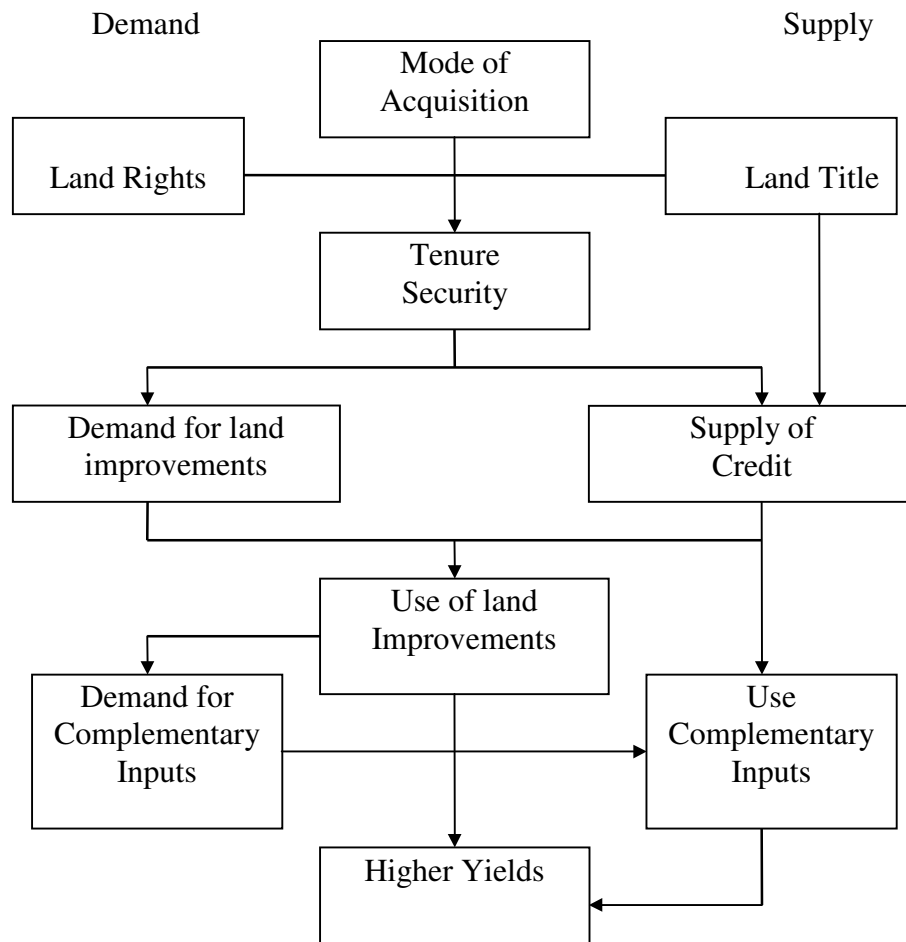
During the 1980s the assumptions of the neo-classical property rights theory were strengthened by Feder's work in Thailand. Feder achieved positive results of a test of an economic model linking land ownership security to farm productivity (Feder 1987). In his work Feder maintains that in order to increase a farm's productive capacity a farmer has to invest in equipment, infrastructure and land conservation measures. He points out that land tenure insecurity increases uncertainty by the farmer as to whether benefits will be derived from investments made to improve the farm's productivity. This has the effect of reducing investment incentives, which results in preference for current consumption. A farmer in this case suffers lower capital accumulation and this in turn reduces the demand for variable inputs, which are complementary to capital (Feder 1987).

A land title certificate is often a requirement for commercial (formal) loans. Thus, Feder asserts that a farmer with secure legal land title is better positioned to access cheaper and long-term credit. In contrast farmers without secure land ownership face constraints in accessing credit from formal credit institutions. Thus, Feder hypothesised that: "...ownership insecurity causes lower farm productivity because investment incentives are absent and access to credit is limited" (Feder 1987:19). Econometric analysis using data from Thailand cases studies showed that farmers with land title certificates had significantly higher capital-land ratios, and a higher probability of investing in land improvements, than farmers without title certificates (Feder 1987).

Feder's results influenced the thinking of African land policy makers and major bilateral and multilateral donors, especially that the analysis was based on data from a land abundant developing country similar to African situations. In this regard Bruce and others have observed that:

In the mid-1980s some voices in major bilateral and multilateral donor organisations called for large-scale tenure individualisation and title registration programs to provide tenure security necessary for investment in agriculture (Bruce *et al* 1994: 251).

**Fig. 3.1: Conceptual Model Linking Title and Tenure Security with Agricultural Performance**



Source: Place, Roth and Hazel, 1994: 16

The argument in favour of the neo-classical property rights paradigm was strengthened and the land tenure reform debate was focused on the advantages of converting indigenous tenure systems into formal systems through title registration (Basset 1993; Amanor 1999). But the outcomes of such reforms have not met the expectations especially with regard to increased investment in agriculture and increased credit supply (Barrows and Roth 1990). The wisdom in undertaking widespread land titling programs in areas governed under indigenous tenure is now being questioned (Cohen 1980; Boserup 1981; 1996; Bruce 1988; Platteau, 2000a; Cousins 2003a).

A major concern by scholars interested in African land tenure and agricultural

development has been the lack of decisive empirical evidence in support of benefits of individualisation of tenure. This concern inspired quantitative studies based on survey research and econometric analysis by the World Bank and the Land Tenure Centre (LTC). The World Bank studies were carried out in Burkina Faso, Ghana, Kenya, and Rwanda. The LTC studies covered case studies in Kenya, Senegal, Somalia and Uganda. The main objective of the studies was to determine the extent to which expected outcomes of individualisation have been achieved (Bruce, Migot-Adholla and Atherton 1994). Analysis of data was based on a theoretical model relating tenure security to agricultural performance (see Fig 3.1). The studies did not find any significant relationship between variations in land rights and agriculture productivity. Three reasons are suggested as to why improvements in agricultural performance may not come about:

First, farmers' investment demand may be weak for reasons other than security of tenure....Second, even if demand for investment is enhanced, financial constraints may prevent farmers from exercising this demand...Third, it does not necessarily follow that more land improvements will increase yields (Bruce, Migot-Adholla and Atherton 1994: 17-18).

From the discussion above it is clear that land tenure reform debate in sub-Saharan Africa has been focused on the merits of converting African indigenous tenure systems into formal systems through a process of individualisation of tenure. This has been in keeping with the principles of the neo-classical property rights paradigm whose focus is on economic efficiency of land holding. But it is incomplete to assess the adequacy of land tenure in African rural situations on economic considerations alone.

### **3.4 Nationalisation of land**

Another important popular approach to land reform pursued by governments in Africa after independence has been nationalisation of land. In Guinea, Sudan, Mali, Nigeria, Cameroon, Burkina Faso, Zaire (Democratic Republic of Congo), Uganda, Somalia, and Zambia at some stage after independence legislation was passed to declare all or most land as property of the state (Bruce 1993). The emphasis in nationalisation of land rights is placed on the retention of group controls that are usually vested and exercised by officials of the state (Denman 1978; Lungu 1994). The main object of nationalisation of land is thus to provide for a system of leasehold tenure in which individuals and groups of people can only hold land from the state.

In Africa, the theoretical debate for nationalisation of land rights has been based on the understanding that a leasehold land tenure system is more compatible with customary tenure systems which recognise community interests in land (Bruce 1993; Lungu 1994). It is therefore argued that community unity in relation to land holding should not be ruined but maintained and generally rationalised into modern group or collective forms (Dore 1971; Lungu 1994). Bruce illustrates this argument by pointing out that:

... The state is seen as the successor to the tribe, exercising its former land allocation prerogatives. Where the state consists of a single tribe or ethnic group and the chief or king of the group is the head of state, the lease may simply be a new legal instrument for exercising traditional powers of land allocation (Bruce 1993:24).

After independence from colonial rule most African countries with a socialist political orientation opted for leasehold tenure in preference to full private ownership or freehold tenure. Such countries through national legislation asserted title to the land and consequently the dominant role of the state in the allocation (or leasing) of land to groups of people or individuals (lessees). For example the collectivist approach was exemplified by the *Ujaama* collective villages in Tanzania (West 1982) and the peasant associations in Ethiopia (Ottaway 1978). Many other collective farms were established in Ghana, Nigeria, Somalia, and Zambia (West 1982; Lungu 1994).

As a result of nationalisation of land a direct land tenure relationship between the state and a cultivator is established through a lease but at the same time divesting traditional authorities of their traditional stewardship of land. An important objective of a state leasehold system is to provide the farmer with more secure land tenure with a title deed that may also be used to secure agriculture credit. In this case leasehold tenure from the state is just another form of individualisation of tenure. However in practice state intrusion upon customary tenure systems in Africa has varied in different countries. For example after nationalisation of land in Sudan, Zaire, Cameroon, Zimbabwe, Uganda, Zambia, and Somalia, customary tenure was allowed to continue in most rural areas while state land allocation of leasehold tenure was limited to government project areas (Bruce 1993). In contrast in Nigeria the state has tried to replace customary titles with statutory tenancy. In conclusion it is important to note Bruce's observation that leasehold tenure can provide more security of tenure if the lease period is relatively long and only if state land

administration officials are more honest and efficient than traditional authorities (Bruce 1993).

### **3.5 The ‘adaptation’ paradigm**

From the discussions in sections 3.3 and 3.4 of this chapter it can be concluded that land tenure reforms based on the assumptions of the neo-classical property rights model and that of nationalization of land are based on the ‘replacement’ paradigm. They both support the replacement of customary tenure by statutory tenure provided by the state because they view customary land tenure systems as inefficient in allocation of resources.

Other perspectives of customary tenure systems are emerging and there are arguments in favour of adapted versions of African tenure systems. For example some authors maintain that indigenous tenure arrangements are dynamic and evolve in response to factor price changes. Individualisation of land rights, in which farm households acquire full transfer and exclusion rights over their land, comes about as population pressure and agricultural commercialisation proceed (Quan 1998). Since customary systems are often able to evolve to meet new needs, it can be concluded that customary land tenure systems have an important role to play in land tenure reform (Platteau (2000a).

Further, customary tenure systems operating in village settings provide vital livelihood security functions for households and they are said to have the capacity to evolve and meet new social and economic needs of the communities (Quan 1998). In contrast with this, it has been observed that state individualisation of tenure may work against land security and economic opportunity of vulnerable rural groups such as the poor and women (Okoth-Ogendo 1993; Mogit-Adholla *et al* 1994; Quan 1998; Adams *et al* 1999)<sup>3</sup>. Bruce has also observed that statutory tenure models ‘ ... break the link between traditional social organisation and land tenure’ (1993:43). Some authors have suggested that direct state intervention in land matters should be minimised. There is a need for an approach based on recognition of customary rights of village communities and government co-operating with communities in relation to land matters (Basset 1993). This means that land tenure reform strategies focussed on replacement of customary tenure must submit to a more

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<sup>3</sup> Other researchers have shown that some land registration and titling programs in Africa have not served the intended objectives of improving agricultural investment and productivity but have instead often exacerbated land conflicts and social inequalities based on gender, age and ethnicity (see Okoth-Ogendo 1976; Coldham

evolutionary and adaptive approach (Bruce and Migot-Adholla 1994). Instead local or community based solutions to land tenure insecurity supported by state facilitated evolution of customary land tenure systems should be explored (Bruce 1986; 1993; Atwood 1990; Migot-Adholla *et al* 1991; Platteau 2000a). This suggests strengthening of village community capacities for management, information, and dispute settlement rather than imposing a statutory land tenure system (Atwood 1990). Platteau explains that:

What is required is a pragmatic and gradualist approach that re-institutionalises indigenous land tenure, promotes the adaptability of its existing arrangements, avoids a regimented tenure model, and relies as much as possible on informal procedures at local level (Platteau 2000a: 71-72).

This adaptive approach to land tenure reform recognises that land tenure rights under customary tenure are embedded in socio-cultural systems that can not be easily bypassed. They embody important aspects of social life in village communities such as marriage, inheritance, power, equity and social security. These socio-economic aspects of customary tenure systems often dominate pure efficiency concerns (Platteau 2000a: 72). However, in cases where customary tenure institutions and practices are no longer reliable in relation to adjudicating land rights and ensuring land tenure security for individuals and households, then it is in order for governments to undertake formal land registration (Migot-Adholla *et al* 1991).

### **3.6 Land rights in social context**

The value system in western societies emphasises competition and economic growth. In these societies consideration is given to competition in a market driven property rights structure, and emphasis is put on ensuring the security and efficiency of land transactions. However it seems that in African rural communities, emphasis is placed more on the social needs of the community than economic growth (Ezigbalike 1996). Generally African systems of access to land and the patterns of land and natural resource use are often described as flexible and negotiable. They are created by use and are embedded in complex social and political relations (Berry 1989; Okoth-Ogendo 1989; Moore and Vaughan 1994; Leach *et al* 1997; Cousins 2000; Peters 2000b; Lund 2002). Although usually individuals and households get access to land through intergenerational succession and inheritance,

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1978; Shipton 1988; Attwood 1990).

most land claims are claims to use the land. At both household and community-level, patterns of land use are flexible and negotiable. The claims to use land arise out of social relations, that is out of relations between people and not out of property relations between people and land (Whitehead and Tsikata 2003)

Individuals, households or groups of land and natural resource users in communities are socially differentiated along various dimensions; wealth, political authority, class, gender, age, ethnicity and so forth. There are often competing interpretations of principles governing claims and use of land and natural resources and much of the contestation occurs over definitions and interpretations. Peters (2002b) gives an example of how struggles over resources take place in terms of meanings. She cites Carney (1988) who has shown that an important matter in the struggles between men and women over relative authority over fields and crops in a rice project in Gambia was the particular cultural meaning given to the project crop fields:

If these were defined as *maruo* or compound fields, then husbands retained authority, whereas if they were defined as *kamanyango* or personal fields, then wives (as well as some junior men) could claim authority over them. Because this cultural struggle over definitions remained invisible to project managers and donors, the expected benefits of a rule change placing women's names as holders of the plots did not materialise. The local men had managed to get those fields defined as *maruo* and thus, even though women's names might appear on the books, the authority continued to lie with their husbands (Peters 2002b: 14).

In addition Shipton and Goheen have also recognised the importance of “power, wealth and meaning” with regard to land holding and natural resource use in Africa. They have aptly proposed that analysis of land holding in rural African settings should answer three basic questions:

1. What does land mean, and to whom? What kinds of land resources do rural people use?... 2. What kinds of social affiliations affect land use and control?... 3. Who controls the terminology? (Shipton and Goheen 1992: 309-311).

This observation draws our attention to the importance of local understanding of land, rural livelihoods and access to land resources (through social affiliations: groups, networks and



categories of people), and issues concerning power and influence with regard to land-holding (Berry 1989; 1993; Shipton and Goheen 1992). Other writers have emphasised the influence of structures and practices of power and authority on realisation of land rights within African society. They emphasise that ‘struggle’ over meanings or ‘struggle’ influenced by political-economic relations is central in realisation of land rights (Peters 1984; Carney and Watts 1990; Berry 1993 and Cousins 1997). These concerns are absent from the neo-classical property rights paradigm and hence making the model limited in this respect (Barrows and Roth (1990). The model does not accommodate rural livelihoods concerns of non-commercial farm households, which are a very important part of the land tenure reform process (Shipton and Goheen 1992; Freudemberger 1994; Quan 1998, Adams *et al* 1999). There is a need for a revised model of African land tenure, which should embrace elements of institutionalist theory and political economy with a broader neo-classical perspective that takes into considerations market imperfections.

A major role of African tenure systems has been seen as that of providing basic livelihood security. This is achieved through customary tenure guaranteed household access to land-based resources such as fuel-wood, wild foods, grazing for subsistence livestock, water, and thatch grass (Quan 1998; Adams *et al* 2000; Cousins 2000). Thus, the principal beneficiaries of land rights in rural Africa are often households for whom farming or herding is only one of several livelihood generating activities, and who largely draw on upon common property resources for direct provisioning (Cousins 2000; Shackleton *et al* 2000). It should thus, be understood that land tenure reform policies have a major impact on the rural population as a whole and not just on emergent commercial farmers. Given this scenario there is a need to situate the needs for secure tenure within the wider socio-economic context of diverse, complex and changing livelihood strategies of rural households. It is also important to understand that land and natural resources are not merely assets to be managed on considerations based on assessed costs and benefits. Land and natural resources are the basis for ways of life that are embedded in particular histories, in particular networks of social relations of power, and in matrices of meaning (Peters 2002: 15). In the next section I discuss gender in relation to land rights as an important determinant of social relations in households and rural communities.

### **3.7 Gender and land rights**

Before I discuss the theme on gender and land rights, it is important to first define the meaning of the term 'gender'. The term gender refers to the social-cultural construction of women and men (Ellis 2000; Waterhouse and Vijfhuizen 2001). A primary theme in gender analysis is the recognition that the roles of women and men in a society are to a large extent socially rather than biologically determined (Warner *et al* 1997). Both men and women are involved in constructing 'gender', by their actions or practices, assigning meanings and reproducing norms and values. In the whole process of constructing gender certain patterns are established which influence women and men in making their lives (Waterhouse and Vijfhuizen 2001).

In or outside the household, particular gender domains can be distinguished. Domains here refer to areas of social life that are organised by reference to a series of related practices and values implying a degree of social commitment (Waterhouse and Vijfhuizen 2001). Lastarria-Cornhiel has aptly observed that to a large extent gender together with class determines an individual's opportunities, aspirations, standard of living, access to resources, status in the community and self-perception. Gender also is one of the basic determinants of how work and responsibilities are assigned among people (Lastarria-Cornhiel 1997: 5).

Gender is one of the most important determinants of social relations in households and rural communities (Lastarria-Cornhiel 1997). In contemporary development studies, it is in the field of gender studies that ideas of the undifferentiated community or household with a single interest have been most questioned (Amanor 1999). It is now known that the common tendency of economists and development planners to talk about and analyse society in terms of households, as if these are made up of homogenous members can be misleading (Waterhouse and Vijfhuizen 2001; Deininger 2003). Consequently, some authors (for example Guyer and Peters 1987) have critically re-assessed a number of widely held assumptions relating to the role of the household in African rural societies. This has led to a general shift in the focus of much development studies towards an examination of rural intra-household relationships in terms of gender domains and rights over resources (Warner *et al* 1997). The work of Boserup is an important contribution on gender, agriculture and access to land in sub-Saharan Africa and the developing world in general. In particular it has revealed important gender domains and links between

women's status, the sexual division of labour, forms of marriage and inheritance, and the economic relations of production (Boserup 1970).

Quan has observed that gender differences in access to land and security are widespread in the developing world and gender issues are thus critical in the development of pro-poor tenure systems (Quan 1998: 168). In most parts of Africa customary systems are not egalitarian and access to and control of resources are differentiated according to gender in favour of men. As a consequence, most sub-Saharan women gain access to land only through their relationship with their male relatives (Lastarria-Cornhiel 1997; Pottier 1999; Ellis 2000; Palmer 2004). In African societies that are patrilineal and virilocal, married women usually gain access to land through their husbands or senior male relative, while women from matrilineal and uxorilocal societies may have more direct access to land through their lineage membership (Pottier 1999: 57). Such land rights are often ill defined, of uncertain duration and subject to change and to maintaining good relations with others. In some cases women remain in oppressive relationships so that they can continue to enjoy access to or rights in land (Palmer 2004). Further, Berry points out that even in matrilineal descent systems that are uxorilocal, women's rights to alienate land are circumscribed by those of their descent group (Berry 1993: 116).

The assumption of undifferentiated community or household interest has often led to the marginalisation of women in development projects. It is assumed that a woman is part of the household of a husband or a relative male household head and that the male household head will represent her interests. Through this entrustment of representation, the interests of women have been deteriorated (Amanor 1999). Some studies have highlighted the fact that women and men will generally differ greatly in relation to the value and the nature of land over which they have ownership and use rights (Whitehead 1985; Carney 1988; Davison 1988; Cleaver and Elson 1995). Further several studies have shown that with commercial use of land, particularly with new crops and forms of agriculture, contestations take place between men and women (Davison 1988; Carney and Watts 1991; Moore and Vaughan 1994).

In land contestations between men and women there are examples where women maintain their access to land, however the weight of evidence suggests that economic changes have resulted in women's diminished access to land or loss of rights they once had (Lastarria-

Cornhiel 1997; Whitehead and Tsikata 2003). For example on irrigation projects in Gambia and Ghana, women cultivators often lost their individual crop fields in the compulsory acquisition of land, however the reallocation of land on irrigation projects land was given to the male household head instead of to women. This transformed the women into dependent household labour on male owned land (Watts 1993; Botchway 1993). Women also experience disadvantages both in the market and in statutory systems of property ownership. This is because women's opportunities to buy land are very limited, or because local authorities practise discrimination on the basis of gender, in this way impeding women from making land right claims that are in theory supported by law (Lastarria-Cornhiel 1997).

Given the above discussion the importance of including gender dimensions in studies of land and rural livelihoods in Africa can not be overemphasised. Especially investigations of women's and men's relationship to the land and other natural resources, the ways in which they use and benefit from or are impeded from benefiting from their land and their labour. Waterhouse and Vijfhuizen have also suggested inclusion of investigation of the livelihoods and strategies of individual women and men in different specific locations and settings and differentiating between their various needs and opportunities (Waterhouse and Vijfhuizen 2001). Toulmin and Quan have pointed out that land tenure systems control rights and policies which enable, or constrain, secure access to land as a livelihood resource for rural people (Toulmin and Quan 2000). For this reason it is deemed fit for this study to include a discussion linking land tenure and rural livelihoods analysis. This is the subject of the following section.

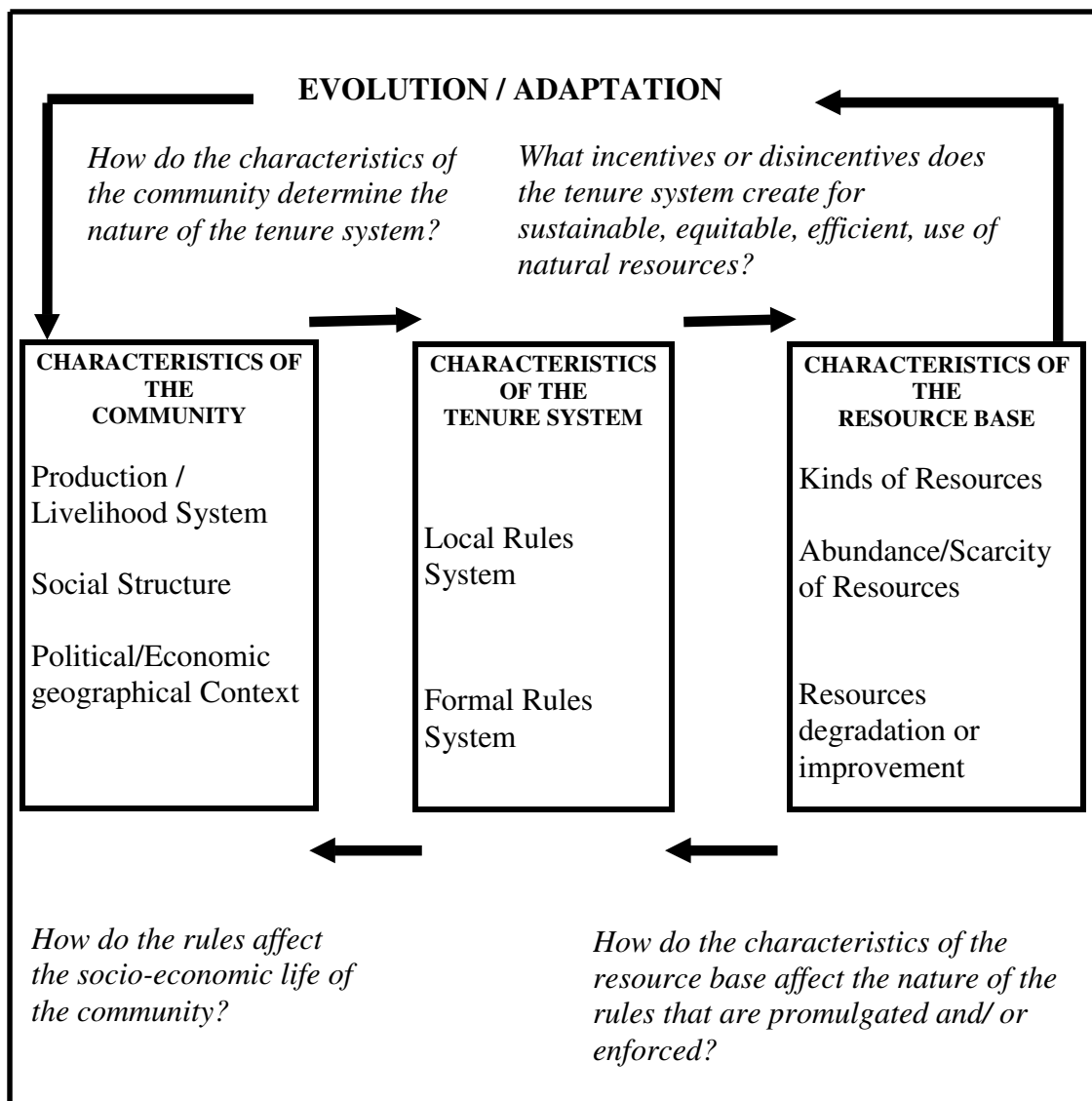
### **3.8 Land tenure and sustainable livelihoods analysis**

As stated in section 1.3 of Chapter 1, this study focuses on land tenure and rural livelihoods in the customary lands of Zambia and it is aimed at examining land issues central to the livelihoods of people living in village communities. To present case study material from the two study sites (Kamena and St. Joseph) the study draws some key concepts and a checklist from two analytical frameworks namely, the 'sustainable livelihoods' analysis framework and 'the community, tenure and natural resource' analytical framework. I will first discuss the components and concepts of the two analytical frameworks and conclude with the checklist of elements included in the analysis of the case studies.

### 3.8.1 The community, tenure and natural resource analytical framework

This section presents Freudenberger's, *the community, tenure and natural resource analytic schema*. My account of this analytical framework draws heavily on Freudenberger's *Tree and land tenure: rapid appraisal tools* publication (Freudenberger 1994). The analytical framework suggests one way on how to analyse land tenure and natural resource field data and how to assemble the information. Further the framework is meant to assist a researcher to distinguish between the descriptive parts of the work and the analytical questions that illuminate important issues. Fig. 3.2 below presents the components of the framework (Freudenberger 1994).

**Fig. 3.2: The community, tenure and natural resource analytic schema**



Source: Freudenberger 1994: 59

This analytical schema is appealing because it links the ‘community’, the ‘tenure system’ and ‘natural resources’. The framework suggests that analysis of the tenure situation in a community should proceed by mapping and describing the characteristics of the community, tenure system and resource base. It then poses analytical questions linking the case study communities, land tenure rules (formal and informal) and land as a resource base upon which the community depends for its production and livelihoods. In figure 3.2 the components in rectangular boxes are the descriptive elements for analysis and the arrows between them represent the required analysis.

*(i) Characteristics of the Community*

On the far left of the framework is the descriptive rectangle, which guides the description of the characteristics of the case study community. This part of the framework suggests a focus on the people and draws attention to the importance of investigating the nature of the livelihood and production systems, the social structure of the community and the political, geographical and economic context. Important issues with regard to social structure include whether the social structure is egalitarian or hierarchical. This is important in a land tenure study because it has been argued that African systems of land holding are embedded in complex social and political relations (Berry 1989; Okoth-Ogendo 1989; Moore and Vaughan 1994; Leach *et al* 1997; Cousins 2000; Peters 2000b). This is also the place for investigating the social relations, especially the gender dimensions of land tenure, to determine the rights and roles of men and women in the case study community. The schema also draws attention to investigating community circumstances with regard to political disposition, geographical location and economic context, including markets and livelihoods (Freudenberger 1994).

*(ii) Characteristics of the tenure system*

The second descriptive part of Freudenberger’s analytical framework, which is in the centre of the schema, deals with the characteristics of the tenure system and rules with regard to management of land and natural resources. Here the schema suggests a description of the informal rules system and the formal or state rules and how they interact in the case study villages (Freudenberger 1994). This is valuable because knowledge of formal and informal institutional processes operating within a community makes it possible to identify restrictions and opportunities to sustainable livelihoods. Since community institutions mediate access to livelihood resources (Quan 1998; Scoones 1998)

and influence people's livelihood strategies, an understanding of such institutions is critical to the design of pro-sustainable livelihoods interventions. It also allows interventions and the innovation to combine formal and informal approaches (Scoones 1998).

Description of the characteristics of the community and tenure systems only sets the scene for the analysis. It is important to explore analytical questions between the community and tenure system. In this case it is helpful to explore issues on how the tenure system is developing in response to community livelihood strategies and how this is related to the nature and organisation of the community social structure. Freudenberger asks the two important questions 'how do the characteristics of the community determine the nature of the tenure system' and 'how do the rules affect the socio-economic life of the community' (Freudenberger 1994:59).

A two-way relationship is here suggested between the community and the tenure system (informal and formal rules system) to be specific customary tenure system and statutory tenure system. Communities are not only affected by rules, which they make, but they are also affected by rules made from the outside. This recognition of land tenure pluralism is important as it may lead to uncertainty about land rights and conflicts between individuals or households within a community (Delville 2000). Tenure rules may have an impact on livelihood strategies that households engage in depending on their access to resources (Quan 1998; Freudenberger 1994; Ellis 2000) and they may also reinforce or erode social patterns (Freudenberger 1994:61). It is thus, important to explore the ways in which the livelihoods of the case study community are affected by internally generated land tenure rules and practices and rules imposed from outside the village community.

### *(iii) Characteristics of natural resource base*

The third descriptive part of the schema is focussed on the characteristics of the resource base, including the kinds of resources found in the community villages, abundance and scarcity of resources, and resource degradation or improvement (Freudenberger 1994: 61). Here again this component of the framework is linked to the characteristics of the tenure system. Two very important analytical questions linking the resource base and tenure system suggested are suggested for investigation. First, 'what incentives or disincentives does the tenure system create for sustainable, equitable and efficient use of natural

resources?’ Second, ‘how do the characteristics of the resource base affect the nature of the rules that are promulgated and or enforced?’ (Freudenberger 1994: 59).

The framework also requires one to think about how the nature (scarcity or abundance) of the resource base affects the rules that the community makes and how they are put into effect. Freudenberger points out that in a situation where resources are scarce, different rules usually apply from when resources are abundant or rules may be applied differently based on the value accorded to the resource (Freudenberger 1994: 61).

It is important, however, to point out that land tenure systems are dynamic and are subject to processes of social, economic, political and institutional changes. They can be restructured in line with demographic, political and economic changes of a nation (Mvunga, 1980). Thus, this study views the community, tenure and natural resource model ‘as a dynamic process that is constantly evolving and adapting over time’ (Freudenberger 1994: 60). In Fig. 3.2 arrows from the resource base to the community labelled ‘evolution/adaptation’ illustrate this point. The framework suggests that change (degradation or improvement) in the resource base will impact on the community production and livelihood system. This, triggers the community to effect changes in the resource management rules, which in turn has an impact on the resource base (Freudenberger 1994).

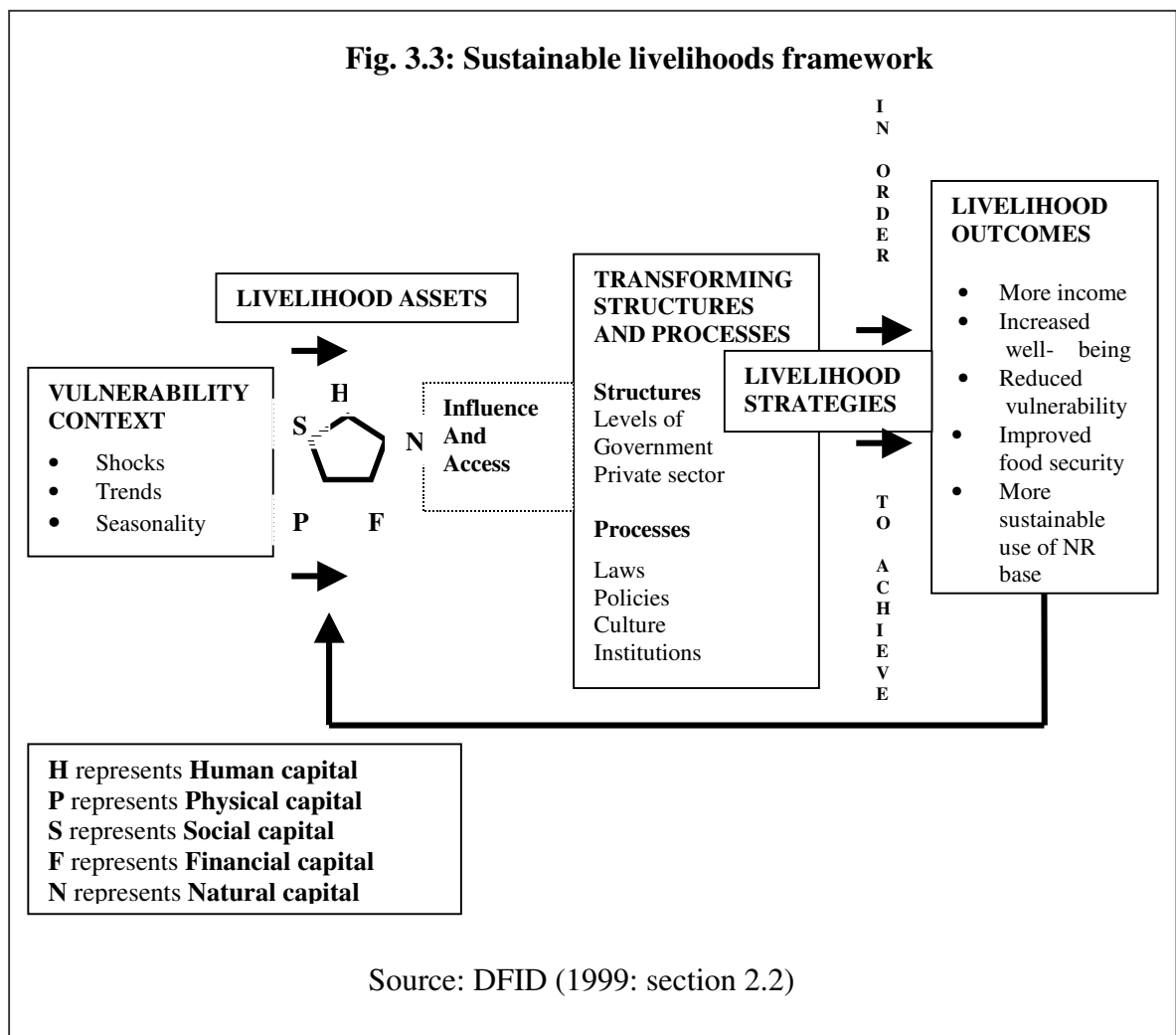
### **3.8.2 The Sustainable Livelihoods Framework**

Concerning livelihoods analysis, many social scientists are seeking to understand what the poor have, rather than what they lack, and examine the nature of tangible and intangible assets of the poor. This livelihood analysis approach starts with strengths and opportunities rather than needs and seeks to build on people’s inherent potential (Carney 1998; Murray 2000: 117; Toulmin and Quan 2000). More research on livelihoods is focusing on how and why people move into and out of poverty, raising new questions about vulnerability, capabilities and social capital. A ‘sustainable livelihood’ framework has emerged in recent years as a way of conceptualising poverty alleviation, including its context, objectives and priorities. The sustainable livelihood approach focuses on one of the most fundamental aspects of life: the ability of people to support themselves, both now and into the future. It does so in a manner that views livelihoods within both micro and macro-contexts, spanning both physical and social environments at the local to the global levels. The concept of



livelihood is defined in many ways (e.g. Chambers and Conway 1992; Carswell 1997; Scoones 1998) but for the purpose of this study Ellis’s definition is adopted. It states that:

A livelihood comprises the assets (natural, physical, human, financial and social capital), the activities, and the access to these (mediated by institutions and social relations) that together determine the living gained by an individual or household (Ellis 2000: 10).



Ellis’s definition of a livelihood suggests that people’s assets, activities and mediating processes provide the means for them to meet their basic needs and to support their wellbeing. Livelihoods here are not simply viewed as a localised phenomenon, but are viewed as being connected by environmental, economic, political and cultural processes to

wider national and global arenas. The capacity of a livelihood to cope with and recover from stresses and shocks is primary to the definition of sustainable livelihoods (Scoones 1998). Livelihood resilience in the face of short and long-term challenges is key to livelihood adaptation and coping (Davies 1996; DFID 1999; Carney 1998; Scoones 1998). Chambers and Conway aptly put it in this way:

A livelihood is sustainable when it can cope with, and recover from, stresses and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base (quoted in DFID 1999: Section 1.1).

Even though a livelihood's capability involves evaluating current circumstances and assessing future trends, it also requires some understanding of the past, of prior conditions and patterns (Murray 2001: 1). Thus, analysing livelihoods requires a framework that takes into account the complex and multidimensional relationships between the social and physical environments, as well as time-scales moving from past to future. It also calls for a framework that can link analytical levels spanning the intra-household to the global (DFID 1999). Figure 3.3 presents in schematic form the key analysis components of sustainable livelihoods framework:

(i) Vulnerability context; (ii) livelihood assets of households consisting of five categories of livelihood capital; (iii) transforming structures and mediating processes which influence access to livelihood assets; (iv) livelihood strategies adopted by households comprising of activities facilitated by the interaction of assets and opportunities and (v) livelihood outcomes.

Ellis has pointed out that in describing the livelihood framework the rural household should be taken as the key social unit to which the framework is applied. This is suggested by the use of the term 'livelihood strategy' in which the household as a social unit is observed to change its combination of livelihood activities according to its evolving asset position and the changing circumstances it encounters. This is not possible at village or community level, because a single livelihood strategy can not apply to all, since different households adopt different livelihood strategies in accordance to their asset and access disposition (Ellis 2000: 31).

*(i) Vulnerability context*

In Figure 3.3 households are shown pursuing their livelihoods in a context of vulnerability. The vulnerability context includes shocks (sudden onset of natural disasters, conflicts, economic traumas, health problems and crop or livestock distress), trends (in population, resources, health problems, the economy or governance) and seasonal constraints (cyclic fluctuations in prices, production, health and employment). This complex of influences has direct and indirect impact on people's livelihoods, including the options available to them (DFID 1999). Castro has pointed out that development policies and interventions often underestimate the role and significance of the vulnerability context, usually with very serious consequences (Castro 2001: 32).

*(ii) Livelihood Assets*

The sustainable livelihoods approach (SLA) holds that within their vulnerability context people's ability to adopt different livelihood strategies depends on the availability and access to livelihood assets or capital assets upon which they draw to construct their livelihoods (Carney 1988; Murray 1990; DFID 1999). Thus, the SLA takes into account the range of tangible and intangible assets necessary to build a livelihood, identifying five main types of capital assets consisting of natural capital, physical capital, human capital, financial capital, and social capital (Scoones 1998; Carney 1998; DFID 1999; Ellis 2000). The livelihood assets pentagon in figure 3.3 was developed to enable information about people's assets to be presented visually. The shape of the pentagon can be used schematically to illustrate the variation in people's access to assets. The centre point of the pentagon represents zero access to assets while the outer perimeter represents maximum access to assets. In this way different shaped pentagons can be drawn for different communities or social groups (DFID 1999). To some extent constructing a livelihood may require inclusion of all five capital assets and Ellis has observed that these assets are the basic building blocks on which households depend to construct their livelihoods (Ellis 2000: 31).

Human capital refers to the labour available to household. This also refers to household member's skills, knowledge, and ability to labour and good health required taking part in various livelihood strategies (Carney 1998; DFID 1999; Ellis 2000). Social capital refers to formal and informal social resources or social relationships of people, such as family networks, membership of groups, relationships of trust and access to wider institutions of

society. It also includes social relation's degree of trust, reliability and adaptability. People draw on these social resources when pursuing different livelihood strategies (Scoones 1998; DFID 1999; Ellis 2000). Natural capital consists of natural resources comprising land, water and biological resources used by people in pursuit of their livelihoods, including their flow and services.

Physical capital refers to producer goods, basic physical infrastructure and production equipment, which enable people to undertake their livelihood activities. Financial capital includes people's financial resources such as savings, supplies of credit, pensions or remittances (Carney 1988; Scoones 1998, DFID 1999). Individuals or households with larger asset portfolios have more livelihood options, as well as less vulnerability, than those do with fewer assets (Carney 1988; Scoones 1998, Ellis 2000). People's control over core assets is also dynamic. The stocks of both tangible and intangible assets fluctuate seasonally and through time in response to the contingencies of life (Castro 2001).

(iii) *Transforming structures and processes*

Ellis points out that a context of social, economic and policy considerations mediate the translation of assets into a livelihood strategy of income earning activities (Ellis 2000). Thus, while stressing the importance of capital assets in people's livelihoods, the sustainable livelihoods approach recognises the role of *transforming structures* (government and private sector) and *processes* (policies, laws, rules and incentives) on people's livelihoods options. These are important in defining access to assets, and people's livelihood strategies and therefore give meaning and value to livelihood assets (Carney 1998; Scoones 1998; DFID 1999).

Ellis goes further to break down 'structures and processes' into three categories consisting of social relations, institutions and organisations. Social relations here refer to the social status of individuals and households within society. For individuals social status may be related to factors such as gender, caste, class, age ethnicity and religion (Ellis 2000: 38). Social relations are important here because in any community the distribution of livelihood assets is always uneven. Different levels of poverty exist even in the poorest of communities. Gender, age and other social differences may significantly affect access to livelihood assets within the household or community. For this reason important shifts have taken place regarding the importance of gender differences in the economics of the African

household. The “unified” approach to household economics has given way to the “bargaining” approach that highlights gender inequalities and the conflicting interests of women and men. Thus livelihoods analysis requires examining households as arenas of both joint, as well as conflicting, interests (Whitehead and Kabeer 2001).

Institutions refer to the formal rules, conventions, and informal codes of behaviour, that compromise constraints on human interaction. Examples of such institutions are rules and customs, land tenure arrangements (property rights) and the working of markets in practice. Ellis distinguishes organisations from institutions. Organisations are groups of individuals bound by some common purpose to attain objectives. Some examples of organisations are associations (e.g. farmers’ associations), NGOs, government agencies (e.g. Ministry of agriculture) and administrative bodies (e.g. local government) (Ellis 2000: 38).

Social relations and institutions determine the way in which structures or organisations and individuals operate and interact. They comprise the agencies that constrain or facilitate the exercise of capabilities and choices by individuals or households and they furnish the everyday framework, rules and relations for human interaction. Ellis gives an example of land tenure institutions explaining that:

Land tenure institutions...comprise such determinants of access to land as the ownership structure at a particular moment (possibly highly unequal), whether this ownership is defined by private freehold title or by customary rights of access, the existence or not of a market in land, the various tenure contracts that may enable non-owners of land to gain access to land, the social mechanisms for resolving land disputes, and so on. These institutions may work more, or less, well. There is no guarantee that laws and customs with distant historical roots are efficient in the sense of optimal resource allocation, or that they are fair in terms of the way access rules are applied to different types of people (Ellis 2000: 39)

Together, structures and processes are important mediating factors of livelihoods because they effectively determine access to public and private resources and terms of trade between different types of livelihood assets (DFID 1999; Ellis 2000).

(iv) *Livelihood strategies and outcomes*

Livelihood strategies are the ways in the way people combine and use assets to meet their objectives. They are comprised of activities that generate the means of household wellbeing. Ellis has divided livelihood strategies into two categories, natural resource based activities and non-natural resource based activities. Natural resource based activities include harvesting wild resources from forests cultivation of food or non-food crops, and livestock rearing. They also include non-farm activities like thatching, weaving, or brick making. Some examples of non-natural resource based activities are rural trading, rural services, remittances and other transfers such as pensions. It is important to note that livelihood strategies are dynamic, responding to changing challenges that households confront and to which they adapt (Ellis 2000: 40). Structures and processes also influence the outcomes of livelihood strategies. Ideally, livelihood incomes would generate more income, increase well being, reduce vulnerability, improve food security, and result in more sustainable use of natural resources (DFID 1999).

In sum, the livelihood framework represents a dynamic process unfolding over time for individuals, households and communities. In a particular “vulnerability context” individuals or households marshal “livelihood assets” in different combinations, influenced by “transforming structures and processes” to pursue natural-based or non-natural-based “livelihood strategies” resulting in livelihood outcomes. Adams has observed that people's access to capital assets, determines how and how far livelihoods can be enhanced. For this reason the sustainable livelihood analysis framework has much to offer for land tenure analysis in analysing the strengths of particular tenure systems and their evolution and in considering options for change and the likely impact on people’s asset status (Adams *et al* 2000).

### **3.8.3 Land tenure and rural livelihoods analysis checklist**

It is quite clear from the discussions in sections 3.8.1 and 3.8.2 of this chapter that the scope of the ‘community, tenure and natural resource’ analytical framework and the ‘sustainable livelihoods’ framework is quite broad. Nevertheless the two frameworks are useful to this study because they provide the link between land tenure and rural livelihoods. However the scope of this study is limited to research questions in section 1.3 of Chapter 1. Thus, to focus the study on answering the research questions only some elements from the two analytical frameworks are used here to constitute a checklist of

themes to bring together, analyse and present fieldwork materials from the two study sites (Kamena and St. Joseph). The checklist is also informed by theories of land reform, the social and political embeddedness of land tenure and the diversity and complexity of rural livelihoods as discussed in this chapter. The checklist helps to explore the links between data collected about the case study communities, in relation to tenure systems and households' livelihoods. It also helps to focus on the most critical issues in understanding underlying relationships, which influence community rules and practices with regard to land and natural resources and their effect on community well being. The checklist is as follows:

**a. Community characteristics and diversity of livelihoods**

Present and analyse community characteristics in relation to:

- Economic and geographic context
- Social structure;
- Households' livelihood activities,
- Production systems and social differences;
- Household's capabilities and vulnerabilities.

**b. Land tenure system and livelihoods**

Present and analyse the land tenure system in the village communities with particular attention to:

- Community understanding of land in relation to livelihoods
- Land acquisition and alienation
- Land tenure: gender relations and agricultural production systems
- Land tenure practises and institutions (marriage systems, divorce, inheritance and succession)
- Interaction between customary and statutory tenure

**c. Livelihoods, natural resource use and tenure**

Present and analyse the livelihood context of natural resources in the village communities with particular attention to:

- property regimes
- household social differences and livelihood strategies
- household natural resource direct use values

- natural resource tenure

In concluding this section it is important to point out that the ‘community, tenure and natural resource’ analytical framework and the ‘sustainable livelihoods’ framework both represent dynamic process unfolding over time for individuals or households in communities. Thus, in presenting materials from the two case study sites the checklist is used bearing in mind the dynamic nature of land tenure and rural livelihoods.

### **3.9 Summary**

This chapter has reviewed and defined land related principles and concepts to indicate how they are understood and used in the study. The neo-classical property rights model has been examined with regard to its role in land tenure reform in sub-Saharan Africa and its adequacy as a model to guide land tenure studies and policy in Africa has been assessed and found to be limited. It is concluded that the neo-classical theory of individualisation places great emphasis on market driven property rights structure, and on ensuring the security and efficiency of land transactions. It overlooks very important socio-economic factors that affect how rural productive resources are accessed, used, and contested by individuals or households in support of livelihoods. Thus, in African rural communities where egalitarian considerations are more emphasised than market considerations, a more inclusive model is needed to analyse the full range of relevant factors. The study has adopted a checklist to provide insights into the role of land tenure in rural livelihoods and whether or not customary tenure systems constrain household livelihoods. This checklist is derived from Freudenberger’s ‘community, tenure and natural resource’ analytical framework, and the ‘sustainable livelihoods’ framework. In the next chapter, I present an historical account of the range of factors that have shaped Zambia’s land tenure system over time. This is undertaken in order to contextualise the present situation obtaining in rural Zambia in respect of land tenure and livelihoods.



## **CHAPTER 4: LAND TENURE POLICY IN ZAMBIA: HISTORICAL PERSPECTIVES**

### **4.1 Introduction**

In order to understand the contemporary land tenure and livelihoods situation in the customary lands of Zambia, one has to situate them in an historical context. The objective of this chapter is twofold, firstly to present an overview of the colonial approach to land tenure in English speaking Africa, and secondly to trace and describe the historical events or factors that have influenced the changes in the land tenure system of Zambia. The discussion covers three phases encompassing the colonial period, the post independence one-party socialist era, and the current multiparty democracy situation. These three distinct political and historical phases in Zambia are associated with divergent policies in relation to land tenure. During these periods different governments, guided by different political ideologies, have pursued divergent land policies. These are outlined below, including the impacts and effects of these policies on livelihoods of rural households.

### **4.2 The colonial approach to land tenure in English speaking Africa**

The denial of the indigenous proprietary character of land ownership was essential to colonial occupation and the resulting exploitation of African land. In colonial English speaking Africa, this was achieved through legal mechanisms (Okoth-Ogendo; 1976; 2002). Important in this regard is what McAuslan calls the “reception clause” which provided that:

... as from a specified date, the common law, the doctrines of equity and statutes of general application applying in England as on that specified date would apply also in the particular country named in the reception clause (McAuslan 2000: 76).

The reception clause, in particular the Jurisdiction Act of 1890 was believed in imperial law to bestow upon the sovereign the power of control and disposition over unoccupied land in British protectorates. It was used as a legal foundation for the application of English-derived land law in commonwealth Africa (Okoth-Ogendo 2002). Concerning the imposition of the English land law in Africa, McAuslan identifies five “*interlocking phases*” in terms of the relations between received and customary law: acquisition,

destruction, reconstruction, substitution and integration. It is instructive to understand these phases as they have a bearing on land reform in English speaking Africa.

The “acquisition” phase involved appropriation of all land in the territory and making it available for allocation to supporters of the new sovereign (McAuslan 2000). Thus, through judicial process of the Crown, British colonial authorities assumed full rights of jurisdiction over all land (Okoth-Ogendo 2002). The “destruction phase” involved the denial of the rules and practices, which governed land rights amongst Africans as a form of law. The colonial judicial processes facilitated received law to make headway over customary tenure. Consequently colonial authorities in Africa set aside customary law in relation to vacant and unoccupied lands and claimed them (McAuslan 2000; Okoth-Ogendo 2002). The British proceeded to enact land laws that put in place a dual system of tenure consisting of two categories of land. First land governed under statutory tenure (Crown Land) which colonial authorities allocated to colonial settlers in terms of English law. Second, land set aside for Africans, governed under customary law (McAuslan 2000; Okoth-Ogendo 2000; 2002).

In the “reconstruction phase”, the colonial authorities adapted customary law to become part of the colonial machinery of rule (McAuslan 2000). For example they intentionally suppressed any cross-fertilisation from the received land law and imposed administrative controls on the operation of customary tenure. In some cases colonial authorities declared some doctrines unknown to customary tenure as being part of the system. Colonial anthropologists and administrators also held strong views that customary land tenure systems would wither away as western civilisation took root in social relations of African people (Mann and Roberts 1991; Okoth-Ogendo 2002). This has had a profound effect on approaches to land tenure and land law reform in the era of independence. For instance the dominant approach to land tenure reform in English speaking Africa has been one of continuation of the dual system, denigration of customary tenure and the imposition of administrative controls on the customary system (McAuslan 2000; Okoth-Ogendo 2002).

McAuslan dates the “substitution phase” from mid 1950s. Through the Royal Commission Report on East Africa (1955) colonial authorities promoted a move towards security of tenure based on freehold tenure through conversion of indigenous tenure for the people of Kenya, Tanganyika and Uganda. Okoth-Ogendo observes that the most comprehensive

exercise of tenure conversion was carried out in Kenya from 1954 and carries on to date (Okoth-Ogendo 1993; 2002). To some extent this has also influenced land policies and laws in other African countries including Malawi and Zambia (McAuslan 2000). Finally the “integration phase ” refers to attempts to develop a new common land law of a particular country from different parts of the existing law (received law, customary law, statute law) to apply to all land and all people. The land reform programme of South Africa and Botswana’s Tribal Land Act of 1968 are typical examples (McAuslan 2000).

It is important to note here that in most of English speaking Africa reception clauses have survived constitutional changes since independence. The implication of this is that principles of the old English land law are applied to some or all the land in many English speaking African countries. Thus, English land law continues to influence decisions concerning development on national land law, land policies and practices (Okoth-Ogendo 2002) and the notion that received land law is superior appears to be resilient (McAuslan 2000). From the observations above it becomes clear that the colonial history of African countries cannot be divorced from issues concerning land policies today. To set a context for this study, in the next section and subsequent sections in this chapter I explore the land tenure approach of colonial authorities and post-colonial governments in Zambia.

### **4.3 Land tenure policy during Zambia’s colonial era**

In Central Africa the number of European settlers largely influenced the system of tenure adopted for a territory under British possession. This was the case with regard to Northern Rhodesia, now called Zambia (Mvunga 1980). To provide for the anticipated influx of European settlers, it was official policy to set aside large tracts of land free from African occupation (Kay 1972; Palmer 1973). It is also important to point out that African population densities were low and alienation of land to European settlers was confined to the zone along the railway line (Livingstone to the Copperbelt), around Mbala (Abercorn) in the Northern Province and around Chipata (Fort Jameson) in the Eastern Province (Palmer 1973).

By the 1890s, the British South Africa Company (BSA Co.) held administrative powers for the areas under concessions from local chiefs (Kay 1972). In particular they administered North Eastern Rhodesia (NER) and North Western Rhodesia (NWR) which in 1911 they formally amalgamated into a single territory - Northern Rhodesia (Zambia Today 2001). It

is important to understand that the British King or Queen passed laws for British colonies and protectorates, which did not have a local legislature. The laws were passed through the Privy Council and were referred to as Orders-in-Council (Mvunga 1980).

#### **4.3.1 The British South African Company (BSA Co.) Reserves Policy**

The NER Order-in-Council effected the protectorate status of NER in 1899 (Mvunga 1980). As an administering authority the BSA Co. assumed that the declaration of a Protectorate in NER was a legal basis for it to claim title to vacant and unalienated land, which was labelled as *wasteland* (Mvunga 1980). The Colonial office did not agree with the assumption of the BSA Co. that as administrator of the territory the company owned the land. However by 1899 the BSA Co. had established effective administration of the area (Kay 1972) and proceeded to alienate *wasteland* to European settlers basing their source of title in the declaration of a Protectorate in NER (Mvunga 1980).

The belief that a vast influx of European settlers would occur led to the creation of native reserves in the concession area. The intention was to push Africans into the reserves in order to make land available to the incoming European settlers. Thus, BSA Co. pursued a policy of racial separation of farming areas (Kay 1972). By 1913, in the whole of the Eastern Province 19 provisional reserves were defined for the occupation of Africans by the BSA Company. Naturally, the first European settlers to come occupied the choicest blocks of land, containing the most fertile soil and the best water supplies and the African tribes in this area had become little more than tenants of the BSA Co. But none of these reserves were legally constituted, that is the Colonial Office did not approve them (Mvunga 1980).

In NWR (during the period 1900-1909) the BSA Co. had secured concessions from King Lewanika (the King of the Lozi people) and these were later included in the Northern Rhodesia Orders-in-Council of 1911 and 1924. However the concessions have today been questioned and criticised on legal grounds. The main legal basis of criticism centres on the maxim *Nemo dat quod non habet* (no one can give what he does not have) (Mvunga 1980: 37). The question is did Lewanika give away that which was his to give? Under these arrangements Barotseland (today called Western Province) which was a part of NWR, remained the exclusive domain of King Lewanika and his people. The colonial authorities maintained this status of Barotseland throughout the colonial period (Mvunga 1980: 38).

In 1923 it was finally resolved that the Crown owned the land and that the rights to the minerals were to be granted to the BSA Co. (Palmer 1973). In 1924 the BSA Co. officially handed over the territory known as Northern Rhodesia to the British Government who in turn conferred on it the status of a Protectorate under the direct administration of the colonial office (Zambia Today 2001).

#### **4.3.2 Reserves in the Eastern Province**

In 1924, the BSA Co. was divested of its administration of Northern Rhodesia. The Colonial Office took over the administration of the country and the British Sovereign appointed the first Governor, Sir Herbert Stanley. The new Northern Rhodesia Government considered the concept of reserves as requested by the BSA Co. and on 10th October 1924 a Native Reserves Commission was appointed (Mvunga 1980). The Commission recommended large reserves for three tribes: the Ngoni, Chewa, and Nsenga. These constituted the East Luangwa District Reserves, which were the first reserves in NER to be created in 1928 by an Order-in-Council (Mvunga 1980). Africans were to be moved in these reserves without compensation within a period of five years (Palmer 1973).

Both the Colonial Office and the Northern Rhodesia Government agreed to protect the Company's mineral rights. Thus the 1928 Order-in-Council allocated mineral ownership to the BSA Co. and asserted that indigenous inhabitants were only entitled to surface rights of the land (Mvunga 1980). It also provided for European acquisition of land in reserves for a period of five years if it was deemed to be in the interest of the Africans and mineral exploitation by the BSA Co. The 1928 Order-in-Council established a dual system of land tenure in the territory consisting of Crown land and reserves. The areas, which were demarcated according to the Order-in-council, were reserves and the rest of the land was Crown Land. Land rights of indigenous people living in reserves were governed under African customary law. On the other hand English and statutory law was applied to Crown land. Thus, the Crown could alienate land to intending European settlers through the grant of leasehold or freehold estates (Mvunga, 1980).

### **4.3.3 Reserves in the Northern Province**

The formation of reserves in the East Luangwa District by the 1928 Order-in-Council set a precedent for the creation of other reserves and Crown land in Northern Rhodesia. As early as 1925 the BSA Co. had requested the Northern Rhodesia government with regard to creation of reserves in the District of Tanganyika. The BSA Co. also made a request to be assured of its mineral rights in the same way it was done in 1928 Order-in-Council. In order to be assured of labour for potential mining and agriculture activities the company also requested for a provision to allow Africans to live outside the reserves if in employment (Mvunga 1980). There was a very small community of Europeans in the District who were mostly attracted by the climate and scenery around Mbala. Settlers also grew cotton and coffee as commercial crops in the 1920s (Palmer 1973).

Although the number of European settlers was few, the government accepted the Company's request and appointed a Commission in 1927 to look into the matter (Palmer 1973; Mvunga 1980). In its terms of reference to demarcate reserves, the Commission was asked to consider possible economic development and the increase in African population in the district. Thirteen reserves were recommended having a total area of about 7,968, 570 acres to serve an estimated population of 106, 513 Africans. An area of 5,030 340 acres was designated as Crown Land for the future settlement of Europeans. An area of about 109,548 of Crown Land had already been alienated to European settlers. Africans living on BSA Co. land were given four years in which to move to the reserves and again no compensation was to be paid (Palmer 1973). The reserve scheme was implemented in 1929 through the passage of the Northern Rhodesia Crown Lands and Native Reserves (Tanganyika District) Order-in-Council (Mvunga, 1980).

### **4.3.4 Reserves along the railway line**

The main aim of creating reserves along the railway line was for European mineral exploitation. A commission was set up in 1926 and was charged with "... demarcating reserves along the line of rail because certain indigenous Africans were to be affected by actual or probable mineral development" (Mvunga 1980: 20). The Commission made recommendations to the effect that the area along the railway line be reserved for Europeans. In addition it was also recommended that mining areas and all areas known to have minerals be free of African occupation. The Commission proposed sixteen native reserves having an estimated area of 24, 874, 000 acres to serve a population of 268, 000

Africans (Palmer 1973). There was no compensation paid to Africans who were moved from land designated as Crown land to the reserves. This was because it was believed that by moving into the reserves they were gaining greater security of tenure (Palmer 1973). This was put in effect by the 1929 Northern Rhodesia Supplementary Order-in-Council (Mvunga 1980).

In the early 1930s the policy of granting freehold estates to settlers on Crown land was changed. The new Governor, James Maxwell was in favour of granting leaseholds. But the European settlers were not in support of leasehold tenure. They argued that leasehold tenure did not provide security of tenure compatible with permanent settlement. Their demand for a reversal of policy was successful in 1960 through the provisions of the Crown Grant Ordinance, No. 3 of 1960, which allowed the conversion of leasehold into freehold tenure (Mvunga 1980; Mulimbwa 1998). In this way the policy of land reservation based on race discrimination and in favour of economic interests for European settlers was entrenched within Northern Rhodesia.

#### **4.3.5 Impact of the reserves on African livelihoods**

The adequacy of the reserves with regard to people's livelihoods became an area of concern. The tracts of land designated as Crown Land were very much in excess of the existing European settler community requirements. The unoccupied Crown Land was set aside in anticipation of an influx of European settlers and they came to be known as the 'silent lands'. The expected influx of European settlers did not take place (Palmer 1973). By 1919 the number of European settler farms along the line of rail was about 250 and this number remained almost the same into the 1940s (Bruce and Dorner 1982).

The reserves policy was unjustified and unnecessary especially that there was no real demand for land by settlers of the areas designated as Crown land. The reserves suffered an influx of the dispossessed Africans from the alienated lands and were soon over-populated, and this caused much suffering among the African population (Siddle 1971). While congestion and overcrowding took place in reserves, the *silent lands* formerly occupied by Africans remained unoccupied. In the reserves Africans complained of soil erosion and successively poorer crops (Palmer 1973).

As the severity of the effects of overpopulation and overstocking increased, it attracted Government concern. In the Eastern Province conditions in the reserves were so bad that the Government decided to purchase the North Charterland Concession as a block for the resettlement of the excess population of the reserves. In 1941, the North Charterland Exploration Company agreed to sell to government the unalienated land of the concession at a price of £ 154,000. In 1946 the Government decided to resettle about 45, 000 people in the areas purchased and enforced agriculture rules to prevent deterioration of land (Kay 1972).

This plan provided some relief to some parts of the Eastern Province but not along the line of rail or Northern part of the territory. Generally along the railway line in all cases in which Africans were removed from land designated as Crown land, there was no demand by European settlers for such land (Palmer 1973). In Mkushi, the creation of reserves reduced the land available to Africans by about 64 percent. In some reserves famine conditions obtained and in others the land had deteriorated so much that it was rendered useless for some years to come (Palmer 1973).

The situation in the Northern Province also clearly showed that the 1927 Commission had over-estimated the carrying capacity of the recommended reserves. At that time there were also no comprehensive studies conducted in respect of land use or African cultivation methods to inform the commissions. Consequently, African land livelihood requirements were under-estimated; the reserves were overcrowded and inadequate for the needs of the indigenous people (Palmer 1973).

#### **4.4 Trust Land Policy**

The inadequacy of land to meet African livelihoods in the reserves compelled the Northern Rhodesia Government to consider setting aside more land for the Africans. The Pim Commission of 1938 concluded that the native reserve policy in Northern Rhodesia was disastrous. On this matter they enjoyed the support of the new Governor, Sir Hubert Young. Governor Young advocated for native trust land, in which most of the country could be guaranteed to Africans as native trust lands, leaving a relatively small area for European settlement (Palmer 1973). Governor Young proposed to the Colonial Office that certain areas of Northern Rhodesia should be declared native trust land if



... geological surveys showed that they did not contain mineral deposits and ecological surveys showed that they were not suitable for European settlement (Mvunga 1980: 31).

The Colonial Office was in particular uncomfortable with the suggestion, which implied that unsuitable land for European settlement is suitable for Africans. In 1937 Governor Young moderated his position and argued for European economic centres in native trust land, which he thought, could benefit Africans. This approach was in 1938 supported by the Pim Commission and in 1939 by the Royal Commission's report (Mvunga 1980). The idea of Native Trust Lands was accepted in 1941. In 1942 the Northern Rhodesia Government announced its new land policy by Government Notice No. 416 of 1942 (Republic of Zambia 1967; Palmer 1973). In that notice the government proposed to introduce legislation in respect of all land in the Territory, which had not already been alienated or set aside for Native Reserves. Such land was to be divided into two categories of land designated as: Crown Land and Native Trust Land (Republic of Zambia 1967). In the proposed legislation, Crown Land was described as potentially or actually available land for European settlement on an economic basis and for mining development (Republic of Zambia 1967; Palmer, 1973).

The main difference between Native Trust Lands and Native Reserves was that a provision was made in respect of Native Trust Land for land to be alienated for specific periods, to individual Africans, or to Europeans. This could be done only in cases where it was shown that alienation of land would benefit Africans and that land was not required for direct occupation of Africans (Mvunga 1980). Following the acceptance of the Native Trust Land policy, two commissions were appointed to divide land, which was not yet set for reserves or alienated, into Crown land, and Trust land.

The first Commissions started work in 1942. Along the railway line Africans confronted the Commission with demands for more land to sustain their livelihoods. This demand obviously meant carving out land for Africans from Crown land. Europeans on the other hand requested the Commission for certain acreage of Crown land to be reserved for them to meet their tobacco industry requirements. On the Copperbelt, the two Commissions were requested by Government administrators to reserve the area for the development of the mining industry and forest reserves (Mvunga 1980).

By 1946 the two Commissions had made a consolidated report of their findings. In view of the past experience the Commissions decided not to assign more land for the anticipated influx of European settlers. It was decided that incoming European settlers should take up land, which was earlier alienated but was now abandoned. It was also decided not to move Africans from Crown Land, except in cases where their land-use was 'wasteful' (Palmer 1973). The 1947 Native Trust Land Order-in-Council implemented the trust land policy. The country now had three categories of land namely Crown Land, Reserves and Native Trust Land. Having discussed the categories of land as classified under colonial rule; I now turn my attention to discuss the distinctive features of customary tenure in Zambia.

#### **4.5 Distinctive features of Zambia's customary tenure system**

At independence in 1964, the people of Zambia called for a land reform to redress the ills of the colonial land policy. The Government appointed a Land Commission in 1965 to examine all aspects of land policy and administration, which were inherited at independence and its related problems. A report of this Land Commission lamented the scanty knowledge on African land tenure during the early 1900s (Republic of Zambia 1967). Like other English speaking colonies, Zambia (Northern Rhodesia) was administered by the colonial authorities through indirect rule dependent on chiefs and headmen as administrators of customary law. However, some observers argue that customary law was usually a colonial construct. For this reason erroneous views on land tenure based on suppositions were expressed (Colson 1971; Ranger 1983; Lavigne-Delville 2000)<sup>4</sup>.

The little that appears to have been reliably known on this subject was in respect to the land tenure prevailing amongst the Sotho, Tswana and Nguni in South Africa and to some extent parts of Ghana and Nigeria. The tendency was to assume that these tenure systems were representative of sub-Saharan Africa (Republic of Zambia 1967: 42). During the creation of reserves in 1928 this lack of knowledge is reflected in provisions of the law. It was assumed and held as a general belief that Africans held land as tribes, and that land is owned by a tribal chiefs thus, the law provided that the Governor shall within each reserve assign lands to natives, whether as tribes or portions of tribes. However Mvunga has

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<sup>4</sup> Also documented in Chanock (1985); Cheater (1990); Shipton and Goheen (1992) and Berry (1993)

pointed out that the fact that a tribe occupies a tract of land does not, reveal the nature of rights (Mvunga 1980:21).

In respect to customary land tenure in Zambia studies reveal that there were misconceptions on the part of the Europeans on how indigenous people held land. By 1959 an elaborate and extensive study conducted by White in seven provinces of Northern Rhodesia (Zambia) except for Barotseland revealed some insights on indigenous land tenure. White revealed that under customary tenure rights in land were fundamentally individual (White 1959; 1963: 364). These rights were attributes of individuals and not a chief or a tribe. Colson corroborated the finding that individual landholders owned the rights in the land under their occupation in her study of the social organisation of the Gwembe Tonga (Colson 1960:38).

It is however important to make an exception of a few tribes where an element of lineage land holding is practised. These are rare because there are a few areas where villages consist of unilinear groups (White 1963). Cases in point are the Lungu and the Luvale (Mvunga 1980) and the Gwembe Tonga (Colson 1960). Amongst these tribes there is evidence that the lineage is a land owning social unit. Lineage rights in the land consist fundamentally in the right of inheritance. When an individual dies in possession of a field the right to claim it goes first to the member of the late individual's lineage and all other members hold a residual right in the land (Colson 1960). Such land is spoken of as 'lineage land'. Consequently the land may not be permanently alienated from the lineage and others cultivate it only on sufferance. The cultivator's land is subject to the ultimate right of the lineage. An individual is under pressure from lineage members, the potential heirs, to prevent the individual from alienating land (Mvunga 1980). In fact lineage members can claim the right to revoke any disposition of lineage land made during an individual's lifetime (Colson 1960; Mvunga 1980).

Thus except for the qualification made above under customary tenure in Zambia an individual 'owns' the land for as long as he or she wishes. Only transfer to another individual can terminate an individual's rights, by death or abandonment of the land (Colson 1960, White 1963, Mvunga 1980). In case of death an individual's rights in the parcel of land are transmitted to an heir. While occupying the land, an individual is free to till the land or build a house and other household structures (Colson 1960; Mvunga

1980:23).

There is a need here to explain the concept of 'ownership' of land. The fact that a landholder owns the land does not mean that other individuals do not have other rights in that particular land. For this reason individuals other than a landowner can go to somebody's land and harvest wild edibles growing there. Amongst pastoral people for example the Nsenga, Ngoni, Chewa, or Tonga after the harvest, cattle owners can take their cattle to graze in fields belonging to others (Colson 1960; Mvunga 1980). The owners of these fields are subject to the recognised communal grazing rights of others. Thus the term 'landowner' simply refers to a person having more rights and interests in the land than anybody does else (Mvunga 1980). However, Mvunga cautions that the concurrent interests described here in a particular land should not be confused with what is usually termed as 'communal ownership'. Communal ownership involves the use of certain tracts of land, which are not individually owned. An individual's right to use of this land is based on membership of the village community within which the land is located. Mvunga explains that:

Thus a member of the village community is entitled to the use of a well, river, grazing grounds, produce of the wild forest and so on. In this situation no one member of the village community can claim to have more rights than the other (Mvunga 1980: 24).

From the above discussion we can conclude different classes of ownership under customary tenure in particular individual ownership, concurrent interests and communal ownership (Mvunga 1980). All these constitute the various aspects of Zambian customary tenure. It is also important to note that individual ownership of land is an important aspect of customary land tenure because it refutes earlier views especially those of colonial authorities that it did not exist. It also contradicts the assumption that the chief owned land (Mvunga 1980).

There is no doubt that the chief has a role in customary land tenure (Mvunga 1980). In Zambia (outside the Western Province)<sup>5</sup> there is no evidence to support the view that the

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<sup>5</sup> Gluckman (1965:75-112) has documented in much detail the Kings ownership of land amongst the Lozi people in Western Province of Zambia. He also elaborates on the land rights of individuals in relation to the

chief owns land (Mvunga 1980). Gluckman suggests that landholding under customary tenure in Zambia takes the pattern of a graduated hierarchy of estates. Thus Gluckman sees a primary estate in land vesting in a chief from which are derived secondary estate and tertiary estate at the bottom of which is an estate in production (Gluckman 1965). White has specifically refuted any existence of a hierarchy of estates, which suggests that the chief is owner of land (White 1959). In his studies of the Ngoni, Tonga, Luvale and other tribes in Zambia White did not encounter a case of a chief who had powers of grantor of land rights retaining a reversionary interest (White 1958; Mvunga 1982: 20). Barnes and Priestley corroborate this finding in their studies of the Ngoni. They acknowledge the political authority of the Paramount chief of the Ngoni but disagree that the chief can be regarded as owner of the land (Barnes 1951; Priestley and Greening 1957). Colson's work with regard to Gwembe Tonga land tenure does not reveal a relationship between a chief and land ownership (Colson 1960).

Nevertheless, despite the fact that the chief does not own the land, this does not mean that the chief has no role in land relations. The chief has a regulatory role over the acquisition and use of land in the chiefdom. For example giving permission to strangers to settle and acquire land, or prohibiting improper use of the village commons. These roles are related to regulation and not ownership. Allot's classification of 'interests of control' and 'interests of benefit' and Mvunga's explanation is instructive on this matter. Although related the two interests are not the same. Interests of control concern regulation while interests of benefit relate to ownership. Thus, it is not correct to consider the chief as having 'interests of benefit' on the basis of exercising 'interests of control' alone. For this reason the chief should not be referred to as owner of land (Allot 1971; Mvunga 1980).

According to White (1963) rights in land are established through the act of an individual opening up land on which prior rights have not been established. Once an individual establishes his rights in land they remain permanent unless the individual transfers the rights to another person, abandons them or they are terminated through death. Consequently rights over fallow land are normal. An individual has the right to transfer land rights on temporary basis by loan or make an outright transfer in form of a gift or cash. White refutes the notion that Africans do not sell land and points out that outright

transfer of land between neighbours or kinsmen in form of good will has developed into sales in form of cash (White 1963: 364 -365). White gives the example of sale of land amongst the Tonga who have long been affected by commercial agriculture stating that:

The Tonga therefore lend and give land freely and in an increasing number of cases transfer it for a cash consideration, for land has both a scarcity and economic value (White 1963: 367).

However, although Colson agrees that sale of land may take place among the Gwembe Tonga, she states that no independent evidence exist to show that it takes place and adds that if it does it is not a frequent practice (Colson 1960: 67). Conroy on the other hand completely refutes the sale of land by the Tonga stating that:

This idea of land purchase, as we understand it is entirely foreign to Tonga thought and custom. All chiefs and councillors are emphatic that land sales do not take place and would not be tolerated (Conroy 1948: 95).

Commenting on the question of sale of land under customary tenure Mvunga has pointed out that it has been a long time since these observations were made but it is now openly admitted that land itself cannot be sold while developments on it can be sold (Mvunga 1982). Concerning 'bare land', it can be stated without doubt that sales are not recognised under customary tenure as an accepted method of land transfer. However, economic pressure due to scarcity of land will in future lead to cash sales of 'bare land' (Mvunga 1982: 40-42). In support of this view the Land Commission of 1967 observed that money economies exist in Zambia at various levels. In many places commercial agriculture has taken root and due to increasing population and increasing land under cultivation, land has become a valuable and scarce commodity and sales of land are taking place just as they do in West Africa, in Uganda and Kenya (Republic of Zambia 1967: 50-51).

The majority of tribes in Zambia are matrilineal but patrilineal and bilateral tribes are represented and have their different practices in respect to inheritance practices. Usually when a man dies being survived by children and a widow a kinsman may take over the land and consequently look after the children and widow. Among the patrilineal Ngoni, inheritance on a man's death is fundamentally based on the principle of primogeniture.

This means that first-born son inherits from his father. The matrilineal Tonga and Luvale on the other hand have a wider class of possible heirs. No one person can claim exclusive entitlement to the land. The Luvale even tend to be bilineal in cases where most matrilineal relatives are extinct. Choice of an heir is a prerogative of the clan. In the selection of an heir good character is an important consideration and males are preferred over females (Mvunga 1982).

In the case of death of a woman it is important to note that the capacity of a woman to acquire property is limited. On her death, a woman's estate often consists of only the share of family belongings the husband chooses to hand over to her relatives. Even when a woman shared rights to crop fields with her husband, these do not constitute her estate (Mvunga 1982). In case of a woman who lives in her husband's village she acquires no rights of her own in her husband's land. In this regard Colson points out that for a woman land received from a spouse has most encumbrances against it. She observed that on widowhood or divorce, therefore, women lose their rights over fields received from their husbands (Colson 1960: 86).

As I conclude this section it is important to point out that this analysis of customary land tenure in Zambia is a general one and is mostly based on relatively old surveys by anthropologists during the 1900s. As land tenure is dynamic some of the features of customary land tenure presented are changing to suit the prevailing socio-economic and environmental situations.

#### **4.6 Post independence land tenure**

The end of the colonial era came on 24 October 1964, when the then Northern Rhodesia received its independence from Britain and was renamed Zambia. The forty years (1924 - 1964) of colonial British rule evolved a land tenure system, which provided two separate categories of land tenure based on race and economic interests. Africans were confined to Native Reserve Lands and Trust Land, which were governed under customary tenure systems administered by chiefs and headmen (Mvunga 1980). Land under European occupation (Crown land) including land with mineral deposits or the best soils for agriculture was governed under English law (Mvunga 1980; Amankwa and Mvunga 1982).

Just before independence the Zambia (State Lands and Reserves) Order 1964 came into force and vested what was previously called Crown Land and Native Reserves in the President. This order also recognised all estates, rights and interests, which were created and disposed of under the 1928 Order-in-Council. The former Native Trust Land were also vested in the President by the Zambia (Trust Land) Order 1964 (Mvunga 1982). This Order acknowledged the validity of all estates, rights and interests created and disposed of under the Native Trust Land Order-in-Council, 1947. In sum, the previous Reserves and Trust Land Orders-in-Council remained the same. The Zambia Independence Order, 1964, which provided for the establishment of the new Republic sanctioned them. As a consequence the categories of land and the interests were the same as in the colonial era (Mvunga 1982). Maintaining the status quo in respect to land tenure policy after independence is typical of most English speaking African countries, as observed by McAuslan (2000).

The early years of Zambia were characterised by plural politics involving the African National Congress (ANC), the United National Independence Party (UNIP), United Party (UP) and United Progress Party (UPP). UNIP was the first political party to rule the country after independence. UNIP believed in the philosophy of Humanism, which had socialist affiliations and envisaged moving away from the capitalist economic system. From the late 1960s to 1975 land tenure changes in Zambia cannot be fully comprehended in isolation from the politics of the country and the political ideology of the ruling Party, UNIP. Firstly, in 1969 a National Referendum granted the National Assembly the power to change the constitution. This gave the opportunity to government to undertake a radical revision of land rights (Siddle 1971), and in 1970 the Zambian government made a move to achieve uniformity in the treatment of land in the country.

As stated in section 4.3.1 of this chapter Barotseland (Western Province) was considered by colonial authorities as an exclusive domain of King Lewanika and his people.<sup>6</sup> However in 1970 the Zambian government changed this status. Through the Western Province (Land and Miscellaneous Provisions) Act No. 47, the government vested all the land and interests of Barotseland (Western Province) in the President as reserve land under the Zambia (State

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<sup>6</sup> When Zambia became a British protectorate in 1924, expropriated land, mineral rights and other natural resources were ceded to the British Crown. The only exception was in Barotseland (Western Province) where the king (*Litunga*) retained the ownership of natural resources (World Conservation Union 1998: 83-84). This status of Barotseland was maintained throughout the colonial period (Mvunga 1980: 38).



Lands and Reserves) Order. This Act brought Barotseland on par with other reserve lands in the country (Mvunga 1980; 1982). Table 4.1 shows the land classification by tenure arrangement for the year 1973.

**Table 4.1: Land tenure classification, Zambia, 1973**

<b>Land category</b>	<b>Area in millions of hectares</b>
State land (Freehold)	1,015,791
State land (Leasehold)	1,284,788
State land (Tribal occupation)	509, 396
State land (unalienated)	125,102
State land (inundated by water)	216,250
State land (forest reserves)	546,570
State land (protected forests)	382,750
<b>State land (total)</b>	<b>4,080,547</b>
Reserves	27,314,000
Trust land	38,977,530
National Parks	5,826,300
<b>Total</b>	<b>76,198,377</b>

Source: Bruce and Dorner 1982: 8.

Secondly, on 25th February 1972 President Kaunda announced government's decision to make Zambia a 'one-party participatory democracy' and on 13 December 1972 the constitution was amended to enable the Republic of Zambia to become a one party participatory democracy under the ruling Party, UNIP (Zambia Today 2001). This change in the constitution granted UNIP a monopoly of political power by making it the only legal political party in Zambia. The primary objective of Humanism was to shape Zambia into a classless, man-centred society and to eliminate exploitation of one man by another. UNIP's land policy was largely influenced by its socialist ideology of Humanism. President Kaunda indicated the position of UNIP on land:

Land, obviously, must remain the property of the State today. This in no way departs from heritage. Land was never bought. It came to belong to individuals through usage and the passing of time. Even then the chief and the elders had overall control ... on behalf of all the people (Kaunda 1968: 14).

President Kaunda was here equating the State and traditional leaders in respect of land ownership. This was done to justify the stance that absolute ownership of land in the Republic of Zambia must rest in the State and individuals could only have the subordinate right to use the land. This also prepared the country for the land reforms of 1975.

#### **4.6.1 The 1975 Land Reforms**

In line with UNIP's ideology of Humanism President Kaunda announced new land reform measures on 30 June 1975 (Kaunda 1975; Simons 1979). The measures came into effect on 1 July 1975. The Land (Conversion of Titles) Act brought about radical changes to the land policy of Zambia. As in other independent African countries (Guinea, Sudan, Mali, Uganda, Somalia) land was nationalised (Bruce 1993:24). All land held under freehold title was converted into leasehold title for 100 years. All commercial farms were included and unutilised tracts of such land were to be taken over by the State. This measure also covered freehold land in residential areas of cities and towns. All vacant and undeveloped parcels of land in cities and towns were to be taken over by the local government or Central Government. All sales of vacant lands were prohibited with an exception on developments. In this regard real estate agencies were closed down (Kaunda 1975; Simons 1979; Chinene 1993). In line with the philosophy of the ruling Party (UNIP) section 4 of the Act stated that: "All land in Zambia shall vest in the President and shall be held by him in perpetuity for and on behalf of the people of Zambia" (Republic of Zambia 1975).

With the enactment of the 1975 Act was born the concept of "land without value" in Zambia. The Act provided that no "... regard shall be had to the value of the land apart from the unexhausted improvements..." This meant that when an estate was on sale, improvements were valued and sold, but the land itself is transferred was without compensation. This implied that it was the improvements that were being sold and not the land itself. Thus, virgin land was deemed to have no value. This measure is said to have stifled the land market considerably (Lungu 1997).

It has been observed that the decision by government to adopt leasehold as a basic tenure was derived from the philosophy of humanism, as does the concept of "land without value". The thinking behind it was that individuals should not reap benefits from land, which are created by nature or by government action meant for all the people (Bruce and

Dorner 1982). In conclusion, it is important to note that the 1975 land reforms were a departure from the colonial land policy especially with regard to land tenure on State land. The Act was in line with the ruling party's political ideals of humanism<sup>7</sup>. But the colonial land categories of Reserves and Trust Land in rural Zambia still remained. In 1985, a cabinet circular was also drafted that set out the procedures for converting customary to leasehold tenure (Land Circular No. 1). According to this circular, approved, non-local investors could acquire title deed to customary lands in Native trust Lands or Native reserves as long as they had the permission of the local chief and council. This circular also set an upper limit of 250 hectares for land allocated by chiefs and councils.

#### **4.6.2 The 1995 Land Act**

The politics of Zambia changed dramatically in 1990 when the constitution of Zambia was again amended on 17th December 1990 to enable the country to revert from one party rule to a multi-party state (Zambia Today 2001). In November of 1991, the Movement for Multi-Party Democracy (MMD) government of President Chiluba came into power. This political change also brought about a move from the UNIP government land policies based on the socialist principles of Humanism. The MMD as a liberal democratic government set about the task of effecting a land policy, which embraces private property in land in a free market economic environment (Republic of Zambia 1996; Lungu 1997). In its election manifesto the MMD promised to:

... institutionalise a modern... and relevant land law code intended to ensure the fundamental right to private property and ownership of land ... To this end an MMD Government will address itself to the following fundamental land issues. A review of the Land (Conversion of Titles) Acts of 1975 and 1985, the Trust Lands and Reserves Orders-in-Council of 1928-1947, ...in order to bring about a more efficient and equitable system of tenure conversion and land allocation in customary lands ... The MMD in Government will attach economic value to undeveloped land, encourage private real estate agency business, promote the regular issuance of title deeds to productive land owners in both rural and urban areas, and clear the backlog of cadastral surveys and mapping (MMD 1991:7).

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<sup>7</sup> It is important to note that the principles of humanism in respect to land effected in the 1975 land reforms were influenced by customary law (see Kaunda 1968: 14).

The underlying philosophical position of the MMD manifesto pledge on land is private ownership of land by individual Zambian farmers, entrepreneurs and external investors. It also negates the concept of “land without value”, which was the position taken by UNIP in respect of virgin land. The support for private real estate agency business is in line with the country’s adoption of economic liberalisation and the MMD position that freedom in the market place is important for a prospering economy. The MMD objective was to scrap UNIP’s land reforms effected by the Land (Conversion of Titles) Act No. 20 of 1975.

In 1993 a national conference on land policy and legal reform was held. This conference resolved that the three categories of land should be reduced to two. It was proposed that reserves and Trust Lands be merged into one category of land to be called ‘customary land’. The category of land designated as State Land to remain the same with ninety-nine year leasehold tenure. It was recommended that market forces should determine the prices of land on State land. For customary land it was argued that the price of land should be left to evolve according to conditions obtaining in rural areas. The 1993 national conference on land policy also recognised the role of traditional leaders in policy formulation and allocation of land. Concerning women and vulnerable groups it was resolved that the universal principle of equality should apply with regard to land ownership. The conference recommended that a Land Development Fund be set-up to address problems of infrastructure in rural areas, and to facilitate the opening up of more land for development (N’gandwe 1993; Kajoba 1998).

In order to effect their manifesto pronouncements on land, the MMD government introduced the Lands Bill, 1994 in Parliament (Republic of Zambia 1994). As pointed out earlier the principal Act which the Bill proposed to repeal and replace was the Land (Conversions of Titles) Act, 1975 (Kaunda 1995). The Bill’s memorandum indicated that it sought to provide for the alienation of land; the recognition and continuation of customary tenure and the conversion of customary tenure into leasehold tenure; the establishment of a Land Development Fund and a Lands Tribunal; and matters connected with or incidental to the foregoing.

The 1994 Lands Bill has been described “... as the most publicly discussed piece of proposed legislation” in Zambia (Kaunda 1995:87). Upon being introduced in Parliament, debate on the Bill was postponed because members of Parliament requested more time to

study the contents and to consult their constituencies over proposed changes. Meanwhile Government made arrangements for provincial programmes to explain the Bill to the public (Kaunda 1995).

Those who supported the Bill were happy with the repeal of the colonial categorisation of land into Reserves, Trust Land and State Land. The categories of Reserves and Trust Land were to be replaced with a category designated as “Customary Lands”. It was argued that this provision would remove the colonial racial undertones. It was also maintained that recognition of property rights in customary lands would promote a land market. In addition by providing for conversion of customary tenure to leasehold the Bill would reduce uncertainty of title and would make it possible for such land to be used as collateral for credit (Kaunda 1995).

But the Bill also attracted a hostile response from the public including opposition parties and traditional chiefs (Kaunda 1995; Palmer 1996). It generated fears among traditional leaders who thought that their powers over traditional land were under threat (Kajoba 1998). The argument here was with regards to the provision of conversion of customary tenure to leasehold tenure. It was argued that by allowing their subjects to acquire individual leasehold to land, traditional chiefs would be deprived of their powers over land. It was argued that conversion of tenure was a process of redistributing property rights in land and of redistributing political and economic power (Lungu 1997). The Bill was also criticised for not having a restriction on alienation of land to foreigners. The Bill in Section 3(3) proposed that “... the President may alienate land vested in him to any person...” which was interpreted to include Zambians and foreigners. The idea of alienation of land to foreigners without restriction was criticised, as it may lead to a situation where foreigners own most of the good land and the poor of Zambia would be left dispossessed (Kaunda 1995; Palmer 1996).

The Bill met with a lot of opposition in parliament and the Minister of Lands decided to tour the country to win support for the proposed changes. In rural areas chiefs walked out of meetings (Kaunda 1995) and the Government decided to withdraw the Bill (Palmer, 1996). The President announced to the nation that:

We have sought the views of the people as a matter of our democratic practice. On the basis of what we have heard so far, we have concluded that the time is not yet ripe to introduce any far reaching amendments to our land tenure system...(Quoted from Kaunda 1995: 92).

In 1995, a modified bill was again brought back to parliament. Hansungule maintains that MMD members of Parliament were called to a caucus meeting at which the President asked them to vote in favour of the Act, failure to do so would result in them being expelled from the MMD party (Hansungule 2001: 7). The Lands Act No. 29 of 1995 was then enacted (Republic of Zambia 1995). To day the legitimacy of the Lands Act of 1995 continues to be questioned by traditional authorities, opposition parties and the civil society because of the undemocratic way in which it was drafted and enacted into law (Brown 2003; Hansungule 2001). Consequently the government through the Ministry of Lands has started a process of consulting the public on appropriate scope and content of land policy in Zambia (Adams 2003).

The objective of the 1995 Land Act is to liberalise Zambia's land tenure system. Specifically it provides for a land market and issuance of land title. The Act has repealed the 1975 Land (Conversion of Titles) Act and consequently, puts in place a market for bear land. The categories of Reserves and Trust Lands are combined into the land category referred to as Customary Areas. The Act continues to vest all land in the President, who has the right to alienate land, including to non-Zambians, under certain conditions. The President may alienate land to non-Zambians who have the status of permanent resident. Land can also be alienated to non-Zambians who are defined as investors within the interpretation of the Investment Act of 1993.

It is also important to note that the current land law (1995 Land Act) is silent on gender. The gender issue in respect to land holding has emerged during the current land policy debate and the government has admitted that generally women lack security of tenure to land compared to men. The government attributes this lack of security to customary and traditional practices than statutory law and has promised to redress the gender imbalances and other forms of discrimination in land holding (Republic of Zambia 2000: 14).

Important for this study is also the fact that the Act also provides that any person holding land under customary tenure may convert it to leasehold tenure not exceeding 99 years. The government land policy argues that customary land tenure is not secure compared to statutory lease hold tenure and supports the conventional wisdom that villagers with leasehold tenure will use it to as collateral to secure credit for investment on farms (Republic of Zambia 2000). In order to assure traditional leaders of their power over customary land, the Act provides that the President shall not alienate land situated in an area where land is governed under customary tenure without consulting the chief. The concept of “land without value” is negated by a provision, which requires the President to receive payment in money in respect of alienation of land. The Act also provides for the establishment of a Lands Tribunal. The Tribunal’s jurisdiction is to settle any land disputes under the Act.

Now Zambia has two categories of land, designated as either State Land or Customary Lands. Customary Lands make up 90 per cent of the country. These are mostly the rural areas of Zambia governed under traditional system of tenure with chiefs playing the role of custodians of the land. The rest of the land (10 per cent) is designated as State Land (ex-Crown Land). These Lands are governed under a formal system of 99-year leasehold tenure granted by the state.

#### **4.7 Summary**

From the discussion above it seems that land policies and land laws in Zambia, as in most of other English speaking African countries, have been deeply influenced by political processes and dynamics. Thus, such laws are not based on objective economic, social or sustainable livelihood needs of the majority populations of the rural areas. This chapter has shown that the colonial land policy of categorising land was based on racial discrimination and economic interests. There were two major interest groups to deal with, the European settlers and the indigenous African people. The colonial administration decided to assure European settlers with land for their settlement, farming and mineral exploitation through a land reservation policy. As a consequence land which was believed to have mineral deposits was excluded from reserves and trust lands which were meant for African occupation.

Today the state of Zambia still maintains its colonial legacy of a dual system of tenure (State Land and Customary Lands) and the colonial government mentality that received land law is superior to customary land tenure rules appears to be resilient. Consequently the denigration of customary land tenure by the state and elite continues. This seems to be an impediment to an adaptive pro-livelihoods approach to land reform in favour of the majority of the local people especially those living on customary lands. This historical account has unveiled the social, economic and political factors that have influenced the restructuring of the land tenure system in Zambia from the coming of the European settler to date. It demonstrates that land policy of a country is influenced by the ruling government's political ideology and favoured economic system. This chapter also shows some of the contemporary land tenure problems concerning customary lands. First, fears of traditional leaders to lose power and control over customary land and their subjects and second, fears of rural households of being dispossessed by powerful alien investors. Third the difficulty faced by government to introduce a tenure system that promotes the livelihood interests of rural households and at the same time promotes the concept of individual tenure that facilitates mobility of land and attracts investment. In conclusion, this historical account of the development of land tenure policy is meant to provide a context for this study on land tenure and rural livelihoods in the two study sites of Kamena and St. Joseph. In the next chapter I introduce the case study site Kamena with a focus on characteristics of the study site and analyses of livelihood activities of households.



## **CHAPTER 5: KAMENA: CHARACTERISTICS AND LIVELIHOODS**

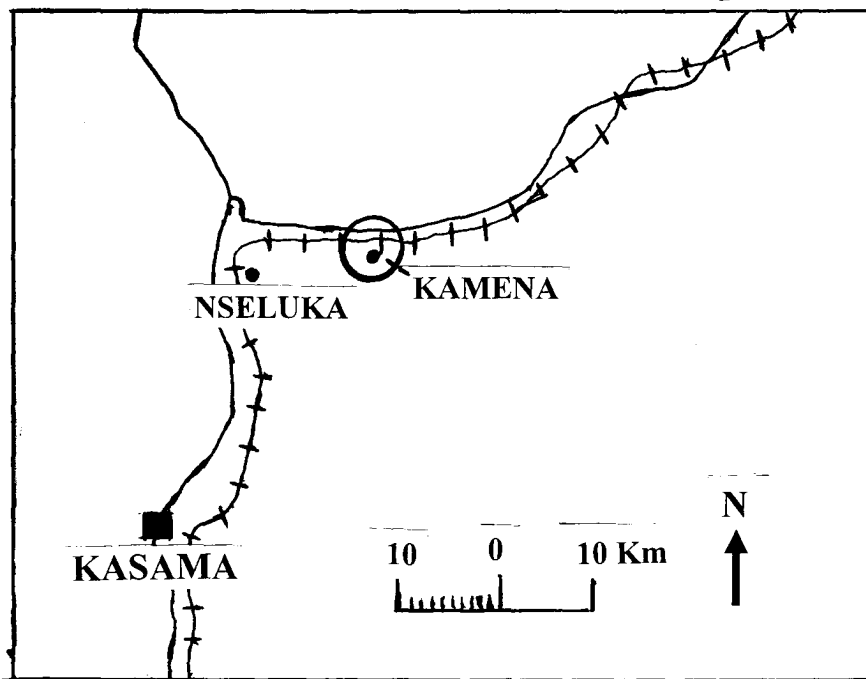
### **5.1 Introduction**

This chapter serves as an introduction to the case study site of Kamena village. It presents the characteristics and analyses of livelihood strategies of households in Kamena village communities. The ‘community characteristics and livelihoods’ component from the land tenure and rural livelihoods analysis checklist (section 3.8.3 of Chapter 3) is used as a guide to map out and analyse the characteristics and livelihoods of households in the study site. Particular attention is given to social structure, location, climate and physical features, demographics, and infrastructure and livelihood activities of households. This is done in order to describe and analyse community assets and the vulnerability context in which the villages exist. The description of the characteristics of the two communities is not meant to stand on its own. It is a starting point for understanding the role of land tenure in land-based rural livelihoods. On this basis further, analyses to understand how characteristics and livelihoods of households in the case study communities influence the nature of the tenure system, and how the land tenure rules and practices in turn affect the livelihoods of households, are undertaken in subsequent chapters.

### **5.2 Site location: economic and geographic context**

Kamena villages are located in Mungwi district of the Northern Province of Zambia (see Fig: 5.1 below). The Northern Province is largely a rural region, but is closely linked to the Copperbelt Province, which is Zambia’s economic stronghold and most urbanised region. The Copperbelt Province towns serve as a main market for the Northern Province’s agriculture and fisheries products. In addition, a large part of the labour force for the copper mines comes from the Northern Province. This a historical legacy of the colonial days when the Northern Province was treated as a labour reserve for the Copperbelt Province mining towns. Between 1933 and 1940, it was estimated that about 60 per cent of the taxable population were away from their villages working in towns (Richards 1939; Moore and Vaughan 1994).

**Fig: 5.1: Map showing location of Kamena**



During the colonial period there was little attempt to put in place infrastructure and marketing facilities which could support commercial agriculture among the rural population (Vedeld and Oygard 1983). After independence a major boost to the transport infrastructure of the Northern Province came in 1973. During the period 1973-1975 the Tanzania / Zambia railway line (TAZARA) was constructed from the town of Kapiri Mposhi (Central Province of Zambia) to Dar-es-salaam (Tanzania) (Republic of Zambia 1997). The railway line passes through three important towns (Mpika, Kasama and Nakonde) of the Northern Province and several village centres markets including the study site Kamena. The railway is an important link for Kamena to the towns of the Copperbelt Province. However, although the railway passes through the village centre, the train station is about 12 km away. Kamena Village Centre is located in what used to be called the Bemba (Makasa) Native Reserve during the colonial days. Kamena villages are approximately 44 Kilometres from Kasama, the administrative headquarters of the Northern Province. The remoteness of Kamena from urban centres can be appreciated from Table 5.1.

**Table 5.1: Distance from Kamena via Kasama to some urban areas**

<b>Kamena via Kasama to:</b>	<b>Distance in Km</b>
Mbala	211
Mpika	255
Kabwe	756
Ndola	803
Lusaka	894

Source: Estimated from the Zambia Tourist Map of 1988.

### **5.3. Climate and physical features**

Kamena is well drained by two rivers (the Kalungu and the Munwa) and several tributary streams including Kankoko, Chanfubu, Fitenda, Misole, Mishila, Mutankula and Katumba. Kamena is about 1400 m above mean sea level. The climate of the area, like most parts of Zambia, has three distinct seasons. The rainy season (*Amainsa*) starts in November and ends in April. The cold season (*Pamwela*) starts May and ends in July, and the hot season (*Ulusuba*) starts in August and ends in November. The mean annual rainfall exceeds 1000 mm (Kajoba 1993) and the mean annual temperature is about 20<sup>0</sup> C (Naidoo and Bwalya 1995). The rains at Kamena have been good. This is unlike in other parts of rural Zambia where recurrent droughts have resulted in crop failures and decimation of livestock through starvation and disease (World Conservation Union 1998). However, the soils are strongly acidic and heavily leached (Trapnell 1996) and any commercial farming requires the use of chemical fertiliser (Kajoba 1993).

### **5.4 Social structure**

The Bemba people migrated from the Luba Kingdom in Congo at about 1650 AD. to what is today called the Northern Province of Zambia (Richards, 1951). These immigrants were of the lineage of Chief Chiti Maluba and Nkole both of who belonged to the crocodile clan (*Bena-N'gandu*) (Tanguy 1948; Richards 1951; Kasoma 1993). In terms of political organisation the Bemba have a centralised system of governance under a hereditary Paramount Chief (*Chitimukulu*)<sup>8</sup>. The Paramount Chief (*Chitimukulu*) has supreme customary judicial powers over all Bemba land. Since the eighteenth century the Bena-N'gandu royal clan have dominated the Paramount Chief's office of the Bemba (Richards

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<sup>8</sup> A more detailed account of the Bemba political system is found in Moore and Vaughan (1994: 3-10).

1951). Subordinate to the Paramount Chief is a descending order of political authority of hereditary chiefs and sub-chiefs. Sub-chief Binda of the *Bena-n'gandu* royal clan governs the case study villages at Kamena under the authority of Paramount Chief *Chitimukulu*.

The Bembas are a matrilineal tribe, and an individual takes his or her mother's clan (*umukoa*). A village (*umushi*) at Kamena is usually a grouping of matrilineally related men and women with their wives, husbands and unmarried siblings and children, under the authority of a headman (*mwine-mushi* – which literally means 'owner of the village'). A headman is the intermediary between the village community and the chief and has authority to allow distant relatives and strangers or newcomers to take residence in the village. However the primary group in each village is the matrilineal extended family. Although the Village Registration and Development Act (Republic of Zambia 1971) provides for establishment of an elected Village Productive Committee (VPC) as a forum for village community participation in decision-making and development, headmen prefer to appoint their own matrilineal relatives to assist them in decision-making.

Households constitute a village and the closest local meaning of 'household' at Kamena is *ing'anda*, which refers to a man, his wife children and their relatives living at the same building site (*pang'anda*). An important aspect of the Kamena household, which has land tenure and livelihood implications, is the institution of polygamy (*impali*). Polygamous men do not usually live with all their wives on one building site. They alternate their residence between their wives' villages. Thus the institution of *impali* adds an extra dimension to the definition of the household at Kamena, because sometimes a household is spatially dispersed. In this case, the man is an accepted member of all the villages in which his wives reside and is entitled to a building site and land to cultivate in each respective village. Except for polygamous households, a household has one main granary (*ubutala*) managed by a wife and the custom of all members eating from one pot (*ishiko-limo*) is practised.

Inequality in respect to authority within the household is related to gender and age. Traditionally the man is accepted as the political authority of a household (*chibinda-wag'anda*). Thus a wife is subordinate to a husband to whom she is expected to show respect (*umuchinshi*). The rest of the household members are in turn under traditional obligation to show respect (*umuchinshi*) to the head of the household on all issues

requiring judgement and decision-making (*ukupingula*). Normally men marry women younger than themselves. This again is in line with the customary social hierarchy, which places elders (*abakalamba*) in position of authority over young people (*abaiche*). These relationships between men and women, young and old people have also been observed amongst the Kaonde of Northwestern Province (Crehan 1997). Although women can head a household, on matters of importance concerning the household in the community, an adult male relative often represents them. In brief, these are the social relationships in terms of which the people of Kamena gain access to land and construct their livelihoods. Community circumstances with regard to political disposition, geographical location and economics have an influence on land and livelihoods of people (Freudenberger 1994). In the next section I look at the location of Kamena with regard to the economic and geographical context in which the villages operate.

## **5.5 Population**

A participatory census was conducted in Kamena and it revealed that the four study villages have 256 households as follows: Binda village: 115 households, Chapewa village: 42 households, Kamena village: 49 households and Kasonde village: 50 households. Male headed households were 188 and 68 were female headed. The villages had a population of about 1343.

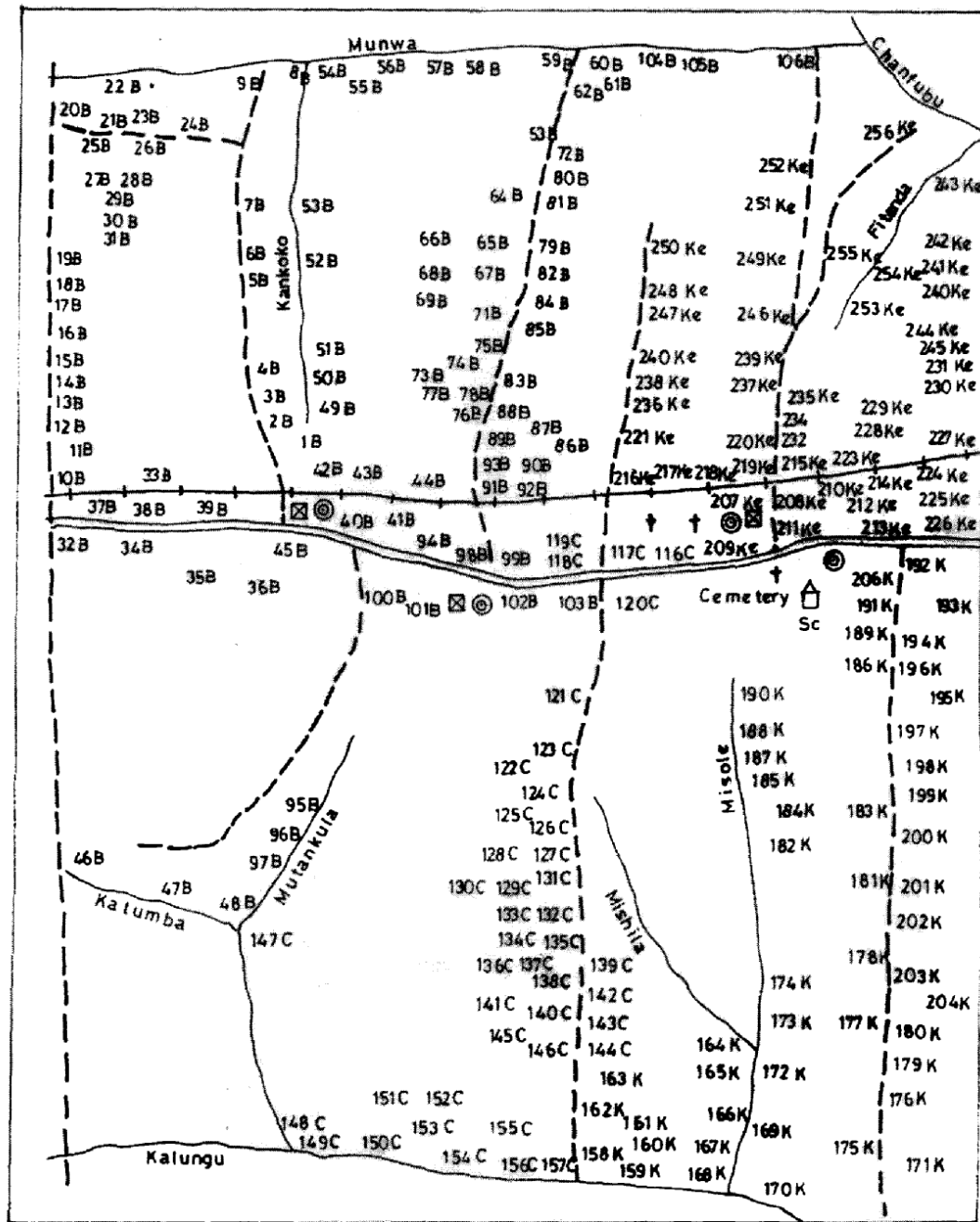
Table 5.2 shows the demographic profile of the 64 household heads interviewed. The youngest was 24 years old and the oldest was 86 years old. The mean age of for the household heads was 48 years. All the 47 sampled male household heads were married, and two were polygamists. Of the 17 female household heads interviewed, five were divorced and 12 were widows. Out of all the 64 household heads, interviewed 50 had some formal education as follows: 39 had primary school education (grades 1 to 7) and 10 had secondary school education (grades 8 to 12). Only one man had a college education. Some 14 out of 64 household heads interviewed reported having no formal education.

**Table 5.2: Demographic characteristics of the household heads in Kamena**

<b>Characteristic</b>	<b>Number</b>	<b>Percentage</b>
<i>Gender</i>		
Male	47	73
Female	17	27
Total	64	100
<i>Age</i>		
Under 35	13	20
36-45	20	31
46-55	10	16
Over 55	21	33
Total	64	100
<i>Marital status</i>		
Married	47	73
Divorced	5	8
Widowed	12	19
Total	64	100
<i>Education</i>		
None	14	21.9
Primary	39	60.9
Secondary	10	15.6
College	1	1.6
Total	64	100

Source: questionnaire survey, March 2000

Fig 5.2: Social Map of Kamena



KEY

	River/Stream	B - Binda
	Pathway	C - Chapewa
	Main road	K - Kamena
	Rail line	Ke - Kasonde
	School	
	Church	
	Shop	
	Borehole	

The participatory census was carried out using the concept of the social map (see Figure 5.2) which shows the location of the 256 households in the four villages in relation to main physical features. Each household has a number from 1 to 256. Next to each household number is a letter indicating the village to which the household belongs. The positions of the main road, pathways, rivers and streams were used as guides to locate the households. Socio-economic profiles of households in Kamena were investigated through wealth and well-being ranking and results are presented in Table 5.3.<sup>9</sup>

**Table 5.3: Kamena households: wealth and well-being categories**

<b>Wealth category</b>	<b>Wealth category indicators</b>	<b>No. of households</b>
Wealthy ( <i>abakankala</i> )	Live in burnt brick house, cash crop (maize) farmer, member of farmer's association, fish farmer, employs seasonal labour, respected and trusted by others, trader, runs grocery, owned assets such as a motor vehicle, bicycle, sewing machine, TV or radio	13
Well-off ( <i>abalikobwino</i> )	Live in well built mud brick houses, grow sufficient subsistence crops to last the year with small surplus to sell, some times employs a few seasonal labourers, respected, ownership of a bicycle or radio	19
Poor ( <i>abalanda</i> )	live in mud and thatch houses, grow just about enough staple food to last the year, some times work for others for food, gather wild vegetables, mushrooms, and fruit for subsistence and sale	20
Very poor ( <i>ababusu</i> )	Chronic food shortage, heavily dependant on working for others for food ( <i>ukupula</i> ), old people ( <i>abakote</i> ) having few relatives to support them, single mothers ( <i>abashimbe</i> ) or widows ( <i>bamukafwilwa</i> ) living with small children	33

Source: Wealth and well-being ranking, April 1999

<sup>9</sup> At Kamena out of 256 households, a random sample of 85 households was selected for wealth and wellbeing ranking (see 2.3.3, Chapter 2).



**Table 5.4: Number of people per household in Kamena**

No. of people in household	Village				Total
	Binda	Chapewa	Kamena	Kasonde	
1-3	7	1	4	2	<b>14</b>
4-6	14	5	7	7	<b>33</b>
7-9	4	3	2	2	<b>11</b>
10-13	3	1	0	1	<b>5</b>
14 and above	1	0	0	0	<b>1</b>
<b>Total</b>	<b>29</b>	<b>10</b>	<b>13</b>	<b>12</b>	<b>64</b>

Mean: 5.7, Median: 5, Mode: 6, Range: 25, Standard deviation: 3.6

Source: questionnaire survey, March 2000

The number of people per household ranged from 1 to 26, having a mean of 5.7 (see Table 5.4). The village population is 49% males and 51% females. The education levels achieved amongst the school going age category (above 7 years of age) as follows: 14.7% of males and 27.1% of females have received no formal education; 72.7 % of males and 68.9 % of females have or are receiving primary school education. In addition 18% of males and 4% of females have or are receiving secondary school education.

## **5.6 Housing and infrastructure**

Houses at Kamena are of different types including; the traditional thatch roofed, pole and mud hut. Nowadays there is a gradual replacement of the round mud huts by the rectangular sun-dried brick houses. Most building sites are distributed along the village major road. A few homesteads are located away from the main road, and further apart from each other.

### *(i) Water and sanitation*

People draw their water mostly from public boreholes, which are located along the main road. The boreholes have been constructed through a community project with the support of the Irish and Zambian governments. Today the respective village committees who are responsible for collecting cash contributions from the villagers to buy water-purifying chemicals maintain the boreholes. Some homesteads, however, draw their water from shallow water wells dug near to their houses. This is especially true of farms residential

sites that are located at relatively long distances from the main road. All the villages rely largely on pit latrines since no reticulated sewerage system has been constructed.

*(ii) Health and HIV/AIDS*

The nearest accessible government health centre is located at Nseluka Village Centre, which is about 10 Kilometres from Kamena and the nearest hospital is 44 Kilometres away at the provincial administrative town of Kasama. Malaria (*impepo*) is a common infection amongst the village community. As in much of sub-Saharan Africa HIV/AIDS has affected many people in Zambia. About 20 percent of the adult population in Zambia aged 15 to 49 are living with HIV and the adult HIV prevalence in rural Zambia is estimated at 14 percent (Republic of Zambia 2002). Despite the HIV/AIDS pandemic being a cause of many deaths in Zambian communities, at Kamena people rarely talk about it openly<sup>10</sup>. The general attitude of people and traditional leaders in the village communities is that HIV infection is a direct consequence of unacceptable personal behaviour, in particular promiscuity (*buchilende*). The victims of HIV/AIDS are simply left to feel guilty, ashamed and are usually socially excluded. For this reason information on the current HIV/AIDS situation in the village communities was difficult to collect. The HIV/AIDS disease is referred to as 'the new disease' (*ubulwele-bwaisa*), or 'the slimming disease' (*ubulewele-bwakondoloka*). There are a number of people within the village communities being nursed and dying of diseases such as TB, which could well be AIDS related. However, in Kamena people often attribute such illnesses and deaths to witchcraft (*ubuloshi*). On the other hand some people seem to have a good idea that the disease is transmitted sexually because the once popular practice of wife inheritance (*ukupyana*) seems to be in decline. In some parts of rural Zambia where polygamous marriages are common, there are now fears of HIV infection. For example Banda reported that:

Chief Musokotwane of the Leya people of Kazungula said he declined the offer of a second wife by women in his village because of HIV/AIDS. ...Chief Musokotwane ... said out of 14,000 villagers, he had 1,500 orphans and vulnerable children who needed support ... (Banda 2004).

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<sup>10</sup> Adult HIV prevalence is estimated at 14 percent in rural areas and 28 percent in urban areas. About 20 percent of the adult population in Zambia aged 15 to 49 are living with HIV (Republic of Zambia 2002).

At household level, AIDS takes up from the household income and other inflows that the patient would have brought in. When the disease is in an advanced stage, the patient has to be nursed almost constantly. At least one adult of the household has to devote time to nursing the patient. This reduces on the number of adults contributing to the livelihood requirements of the household. For this reason such households are pushed into livelihood hardships. A positive aspect to note about Kamena in relation to social support is that upon the death of both parents, relatives, especially matrilineal relatives, immediately adopt the orphaned children. It is important to point out that women in particular have faced severe impacts of HIV/AIDS. Traditionally it is women who spend much of their time looking after the sick (*ukutensha*) and therefore reducing their productivity on crop fields. In many cases, women living in their husband's village lose land rights upon the death of a husband. The matrilineal relatives of the late husband will often claim most of the valuable household assets including crop fields. This practice is based on the belief that a wife comes to her husband's village 'empty handed' and that her place is in her mother's village. However even when women relocate to the maternal village their access, control and ownership of land is also uncertain and is dominated by male relatives. There is no doubt that the advent of HIV/AIDS disadvantages women's livelihoods in several ways. This land tenure gender dimension is further explored in Chapter 7.

### *(iii) Education and other services*

The nearest secondary school, post office and police station are 44 Kilometres away at the provincial administrative town of Kasama. Kamena villages have one primary school offering education from grades one through to grade seven. The community, with the help of the Irish Government, which provided materials and technical personnel, built the school in 1994. A Parents Teachers Association (PTA) supports the administration of the school. There is no secondary school at Kamena and, children who proceed to grades eight and nine have to travel ten kilometres to attend lessons at Nseluka basic school. Although a railway passes through Kamena, the railway station at which the train can be boarded is about 12 kilometres away from Kamena villages. The state of the access gravel road to Kamena is bad. During the rainy season it becomes impassable.

## **5.7 Livelihood activities**

The focus of this section is to describe and analyse livelihood activities and production systems of households in Kamena. Several tools were used to learn about the livelihood

activities and production systems including direct observation, focus group discussions, semi-structured interviews, life histories, resource use matrices and a short survey. Information was triangulated through use of different methods and informants at different times. From the outset it is important to point out that households in Kamena are involved in various livelihood activities. Children at Kamena are initiated to a productive life from about the age of 10 years assisting their parents with agriculture tasks such as weeding, harvesting, and other relatively simple tasks such as fetching water. Individuals are considered too old (*abakote*) to work at about 60 years and thus I have adopted the economically active age range as 10 to 65 years.

**Table 5.5: Livelihood activities of economically active people in Kamena**

Livelihood category	Livelihood activity/ sources	Male		Female	
		No.	%	No.	%
<b>Agriculture</b>	Crop production	109	90.8	121	96.8
	Livestock rearing	63	52.5	32	25.6
	Fish farming	44	36.7	0	0
<b>Natural resource gathering and processing</b>	Collecting wild plant resources	56	46.7	112	89.6
	Collecting wild animal resources	65	54.2	43	34.4
	Charcoal burning	3	2.5	0	0
	Herbalist	2	1.7	1	0.8
<b>Trading and shop keeping</b>	Shop keeping	6	5	0	0
	Trading in second hand clothes	7	5.8	2	1.6
	Trading in fish	9	7.5	3	2.4
<b>Crafts</b>	Mat and basket weaving	3	2.5	0	0
	Tailoring	2	1.7	0	0
	Carpentry	2	1.7	0	0
	House building	15	12.5	0	0
	Blacksmith	2	1.7	0	0
	Bicycle repair	2	1.7	0	0
	Radio repair	1	0.8	0	0
<b>Petty trading</b>	Sale of repackaged groceries	3	2.5	26	20.8
	Beer brewing	0		40	32
<b>Formal employment</b>	Teaching	1	0.8	0	0
<b>State loans</b>	Agriculture loans	7	5.8	1	0.8
<b>Piecework and reciprocity</b>	Labourer	60	50	86	68.8
<b>Pensions</b>	Pensions	2	1.7	0	0
	Remittances	6	5	5	0

Note: Economically active individuals (age range from 10 to 65 years) from the sample of 64 households in the small-scale questionnaire survey, were 120 males and 125 females. The question required respondents to make multiple responses for economically active household members.

Source: questionnaire survey, March 2000

Table 5.5 shows a frequency distribution of engagement in livelihood activities of economically active people in Kamena. The information is presented in relation to gender just to highlight gender differences in engagement in particular livelihood activities. I must point out that household members in Kamena engage in multiple livelihood strategies. This finding is consistent to observations made by Khanya (2000) for people living in the rural areas of the Northern Province of Zambia. Others observers have made similar comments about livelihoods of rural people in Southern Africa (e.g. Scoones *et al* 1996; Kepe 1997). This means that each household has various sources of livelihood with some households having more than others do.

It is important to note that migrant labour is not recorded in Table 5.5, largely because of the economic decline of the Copperbelt towns. Moore and Vaughan have observed that ‘... For the moment young men in the Northern Province stay at home, and the story of labour migration has come full circle’ (Moore and Vaughan 1994: 177). It is also important to note that the main livelihood strategy in Kamena villages is based on farming. Almost all households are involved in farming and the people describe themselves as cultivators (*abalimi*). Farming consists primarily of production of cash crops, in particular hybrid maize on permanent fields, termed ‘improved farming’, together with the traditional cut and burn (*chitemene*) system for subsistence staple grains and vegetables. About 90.8% of economically active males and 96.8% of economically active females are involved in crop production.

Some households are engaged in rearing of small livestock especially goats, pigs, chickens and fish farming. All the 64 households interviewed in Kamena own some livestock as follows: 18 households own 65 goats, 12 households own 32 pigs, 47 households own 403 chickens, and 14 households are involved in fish farming. Clearly chickens are the most widely kept livestock in Kamena. A few households own goats, sheep and pigs, but in very small numbers<sup>11</sup>. In Kamena crop production and small livestock rearing as livelihood activities are common to almost all the households and can be considered as basic. It is

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<sup>11</sup> The few livestock numbers at Kamena is not surprising as the Bemba have little pastoral tradition (Richards 1939: 18). They are unlike other pastoral tribes of Zambia (e.g. The Tonga, Ila, Lozi, Luvale and Ngoni people) who are good herdsman and possess considerable knowledge of cattle breeding and pastures and maintain mixed agropastoralism (World Conservation Union 1998: 12). Vedeld and Øygard (1983: 43) have further observed that in almost two thirds of the Northern Province tsetse flies are an obstacle to cattle rearing.

also important to point out that traditionally the people in Kamena are not pastoral and the keeping of pigs and goats is relatively new in the area. The people however consider themselves as cultivators (*abalimi*).

Another very important livelihood category is that of natural resource gathering and processing. In this category of livelihoods, collecting and processing wild plant resources is very important for female members of the village community and about 89.6% of economically active females and 46.7% of economically active males are involved. In contrast males (54.2%) are more involved in collecting wild animal resources than females (34.4%).<sup>12</sup> Piecework and reciprocity involving labour is another important category of livelihood with about 68.8% of economically active females taking part compared to 50% for males. Petty trading is also an important category of livelihood for females. In particular 30% of economically active females are involved in beer brewing and 20.8% in sale of repackaged groceries.<sup>13</sup> It is also important to note the scarcity of formal employment and pensions.

As noted earlier the people of Kamena consider themselves as cultivators and households have traditional shifting cultivation crop fields (*ififwani/ ubukula*) or semi-permanent grass manure fields (*fundikila/ amabala*) to grow the staple crops or permanent fields for cash crops. In the next sections I discuss agriculture cultivation systems of the traditional and improved farming systems for cash crops.

### **5.7.1 Traditional cultivation system**

The traditional farming system of the Bemba people in Kamena is the slash and burn or *Chitemene* farming system. It is based on shifting cultivation and is dependent on the use of stored fertility of the natural woodland. This is the farming system adopted by most people for subsistence purposes in the wealth and wellbeing ranks of well-off (*abaliko-bwino*), poor (*abalanda*), very poor (*ababusu*). At Kamena 68.1% of households sampled

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<sup>12</sup> Ellis (2000: 150) has noted the widespread involvement of women than men in utilising and interacting with natural resources, for example collecting water and firewood, growing food crops, collecting wild plants for food and medicinal purposes.

<sup>13</sup> In several African countries, beer brewing is an important sideline activity for rural women. In general non-farm activities are more likely to be accessible to women where such activities are complementary to daily and seasonal obligations in the household and in agriculture rather than in conflict with them (Ellis 2000: 149).

reported having cut and burn crop fields. During the period April to August the forest is cleared and men cut branches of trees. This is considered exclusively men's work. In August and September women pile the cut vegetation (*ifisaku*) in neat patterns and leave it to dry. In October, just before the rains, the dry piles of tree branches are burnt. The burnt area is covered with a thick layer of ash. With little hoeing required, the staple crops cassava (*kalundwe*) and finger millet (*amale*) are then sown into the ashes as the first crop. Other subsidiary crops such as groundnuts (*imbalala*), beans (*chilemba*), and pumpkins (*ifipushi*) are sown in later years.

By April or May the crops, apart from cassava, are ready for harvesting. Cassava takes about two to three years to mature for harvest. The garden is used in this way for a period of four to five years. When the soil is exhausted another garden is cleared some distance away and the old garden is not used for a long time to allow for regeneration of trees. Each year a household at least prepares one *chitemene* garden to grow the staple grain finger millet (*amale*). As a result a household often has several fragmented crop fields. Table 5.6 below shows the number of cultivated fields per household at Kamena.

**Table 5.6: Number of cultivated fields per household in Kamena**

Number of fields	Households owning this number of fields	Total number of fields
0	1	0
1	4	4
2	11	22
3	17	51
4	9	36
5	9	45
6	7	42
7	5	35
8	0	0
9	1	9
<b>Total</b>	<b>64</b>	<b>244</b>

Mean: 3.6, Mode: 3, Median: 3, Range: 9, Standard Deviation: 1.8

Source: questionnaire survey, March 2000

The mean number of fields owned per household is 3.6. In the past, the fallow periods of *chitemene* fields in the Northern Province were as long as 20 years (Trapnell, 1996). However, focus group discussions indicated that today fallow periods are as short as 10 years. Other observers have also noted the shortening of fallow periods for *chitemene* in the Northern Province (Velded, 1981; Stromgaard, 1984, 1989; Sjaastad, 1998). Woodland

with trees suitable for *chitemene* gardens is now relatively scarce in Kamena and attracts competition, and the soil is not being left for long enough to recover its fertility. The relative scarcity of woodland for *chitemene* has resulted in adaptation of the cultivation system to the semi-permanent, grass manure cultivation system (*fundikila*), and has also increased the number of land disputes over land to be used for *chitemene* purposes.

In the *fundikila* system both men and women take part in field preparation. When the rains stop around April men and women use the hand axe and hoe to cut the grass and bush. The mix of grass and bush is collected and piled in small circular heaps and left to dry. In October the fields are fired in a similar manner to *chitemene* and are planted with the staple millet and subsidiary crops. A *fundikila* garden is used for a period of three to four years inter-cropping the staples (millet and cassava) with different food crops. The garden is then left in fallow to allow for self-sown plants, grasses and shrubs to take root again.

### **5.7.2 ‘Improved farming cultivation system’**

Almost all cash crop farmers at Kamena are involved in growing maize as a cash crop, because it is Zambia’s main staple food and has a large market in the urban areas of Zambia, especially in the copper mining towns of the Copperbelt Province. It is sold in retail shops as maize meal flour (*ubunga*), supplied by millers who buy their maize from commercial farmers or the government Food Reserve Agency (FRA). The ‘improved farming cultivation system’ is based on technical specifications from the government agriculture department. Land preparation begins from March to the end of May during which period the ground is soft enough for the hoe. In the case of a new field, it involves land clearing and stumping of tree trunks, and either making of mounds or cultivation on the flat.

Clearing and stumping are hard and time-consuming tasks, and in addition to household labour, the farmer usually hires village labourers to lighten the burden and speed up the process. This system includes the use of improved seed and chemical fertilisers. Farm sizes range from about 1-6 ha. The main limitations to size of crop fields are capital to purchase inputs (especially fertiliser) and labour to work the fields. At present the uncertainty of the market is also a limitation. Maize yields from good farmers averages about 45 bags per hectare or 12 bags per *lima* (50m x 50m). It should be noted that cash crop farmers at



Kamena have not completely abandoned the traditional *chitemene* system. They often use a part of their land to cultivate their household millet requirements through *chitemene*.

Maize cash cropping in Kamena is associated with problems. Firstly, it is heavily dependent on inputs acquired on credit or bought with cash. It is also a crop that requires a lot of labour and management. Thus, labour poor households or poor households (*abalanda/ ababusu*) are likely to be unsuccessful. However, wealthy households (*abakankala*), or well-off households (*abalikobwino*), are more likely to succeed because they have capital of their own to invest in labour and inputs or can afford the required collateral deposits. However, farmers feel that the down payment and collateral requirements of the FRA are unfair on them. It is also argued that the interest earned by the FRA, in the exchange of two bags of maize for one bag of fertiliser is too high. In addition, farmers lament the late delivery of fertiliser, the low prices offered by the FRA and the liberalisation of the agriculture markets, which has exposed them to powerful private traders from towns who offer lower prices than they use to receive before for their maize.

### **5.7.3 Livelihood activities and social differences**

As I have indicated earlier, in Kamena crop production and small livestock rearing are livelihood activities common to almost all the households. However, households do have a tendency to build their livelihoods around other sources of income to supplement income from crop production. Thus, in this section the discussion is structured around combinations of non-agriculture livelihood activities with household basic livelihood activities cropping and livestock rearing. Social differences between households, based on the wealth and well-being ranking exercise, are used in the analysis.

#### *(i) Trading and tuck-shop keeping, state loans, pensions and remittances*

Households under this grouping of livelihood categories at Kamena are few. In the first place there is no state pension for senior citizens in Zambia. Pensions are tied to employment and thus civil servants and other employees of the private sector reaching the age of 55 years qualify for a pension. In Kamena there are elderly pensioners who are former civil servants and former mine workers in the Copperbelt copper mines receiving pensions. Their lump sum pension money was reasonable but the pension instalments they receive today are not meaningful as they are as little as K50, 000 per month. The cost of collecting this money from town is so high that pensioners would rather wait for six

months before collecting the accumulated amount. In some cases these households also receive remittances from their children who are still in employment in towns. These households often invest part of their lump sum pension money in small grocery shops, trading in second hand clothes and dry fish. Investments by these households in maize cash cropping are also common.

As mentioned earlier, the soils at Kamena are very acidic and require the use of chemical fertiliser to produce a reasonable yields of maize. These households, however, are usually members of the Kamena Farmers Group (KFG) through which they are able to gain access to credit for fertiliser with the government funded Food Reserve Agency (FRA). The Kamena Farmer's Association (KFG) membership is male dominated and only 4 out of the 49 members are females. Most women in the village communities are too poor to pay membership fees and the 4 women members of KFG are wives of wealthy men (*abakankala*).<sup>14</sup> The FRA loans to farmers are in kind, in the form of fertiliser and maize seed. As a collateral measure, applicants are required to pay an application fee and to make a commitment to pay their loans by exchanging two bags of their maize crop for every bag of fertiliser loaned to them. Farmers during the 1999 season were required to pay K2 500 as application fee for every bag of fertiliser they intended to borrow. This fee also included administrative costs of KFG. The farmers also get extension services for improved farming methods. The FRA in return provides the farmers with a market by buying the maize from them at the end of the farming season.

These households are also engaged in small livestock rearing, in particular chickens, goats, pigs and fish farming, mostly for home consumption but occasional sales are also made. In this group are also a few people in formal employment, specifically the four teachers at the primary school. The teachers get a reasonable and regular salary and all of them are engaged in growing maize as a cash crop. The following are examples of some households engaged in these combinations of livelihood activities in Kamena.

### **Kabwe household**

Kabwe was born in 1940 in Kasama. His father died two years after he was born. His mother came back to her natal village in Kamena where she got married to another man. In 1960 Kabwe got married to his wife Mukuka. In 1961 he migrated to the Copperbelt Province town of Kitwe were

he got employment as a mine labourer. His wife Mukuka joined him in 1965. He retired from the mines in 1995 and decided to settle at Kamena at his mother's village Kasonde. Kabwe lives with his wife and four of his children. He has three sons who are married and are working in Kitwe town. Kabwe lives on a demarcated 20-hectare farm where he cultivates maize as a cash crop and other subsistence crops. Kabwe is a member of KFG and receives fertiliser on credit for his maize crop every year. He employs labour to cultivate for him and pays either by cash or food such as salt, sugar maize meal or millet. He also owns two fishponds and his wife runs a grocery shop. He also receives some money from his sons every other month. In the wealth ranking Kabwe's household was ranked as wealthy (*abakankala*).

### **Kapata household**

Kapata was born 64 years ago in Chief Chitimulu's village where he also attended school up to sixth grade. He got married to a woman from Binda village in Kamena in 1958. Then he went to Chingola town to look for employment. Kapata worked for the mines up to 1991 when he retired and decided to settle at Binda village. All his six children (four sons and two daughters) are in town. His sons have jobs but his two daughters are housewives. Kapata lives with his wife and a twelve years old nephew on a farm where he grows hybrid maize as a cash crop on a 4 hectares plot and he also grows subsistence crops on 3 hectares. Kapata's household is ranked as wealthy (*abakankala*). He is a member of KFG, but laments the late delivery of fertilisers; the poor maize prices offered by the FRA and high interest rates on loans. He always employs labour from the village on piecework basis to cultivate his fields and pays in cash or in kind. Kapata also keeps 12 goats, 7 pigs and 40 chickens.

### **Mwamba household**

Mwamba was born in Kamena village in 1956. He was the second born child in a family of six children. He got married in 1976 to his first wife Mulenga with whom he has 4 children (three sons 23, 21, 19 and boy 17). He married his second wife Chanda in 1982 and has three children with her (two girls 16, 13 and one boy 11). Mwamba's elder brother Chilufya works as a miner in the town of Kitwe and out of natural love for his brother Chilufya sends some money every six months or so to help with farm activities. Mwamba is a maize cash crop farmer and a member of Kamena Farmers Group (KFG). He cultivates 6 hectares of maize and about 4 hectares of subsistence crops on his farm. Mwamba does not employ piece workers because his wife and children are able to cultivate with him at little cost. His two wives also a total of about 30 chickens. In wealth and wellbeing ranking, Mwamba's household was ranked as well-off (*abaliko-bwino*).

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<sup>14</sup> Information supplied by the Secretary of Kamena Farmers Association (KFG), March 2000

Capabilities of households engaged in this cluster of livelihood activities include knowledge in improved cropping techniques, knowledge of fish farming techniques, and hiring farm labour. They have knowledge and experience in trading and running tuck-shops. Their social assets include relationships with children or relatives working in towns from whom they receive remittances. However the number of remittances recorded is quite low. Table 5.5 shows that only 5% of economically active males receive remittances and no remittances are recorded for economically active females. The low numbers of remittances can partly be attributed to the decline in the copper mining industry of the Copperbelt Province towns and the livelihood crises of the people in living in these towns. As I stated in section 5.3 of this chapter, the Northern Province was treated as a labour reserve for the Copperbelt Province mining towns. Richards observed that between 1933-1940, about 60% of taxable population were away from their villages working in towns (Richards 1939). This situation has changed, and Chilipamushi has observed that during the period 1983 to 1998 the main copper mining company, the Zambia Consolidated Copper Mines (ZCCM), reduced its work force by almost 47 per cent (Chilipamushi 2000). Life in the Copperbelt towns is a struggle and few people have spare money to send to their relatives in villages. Commenting on the livelihood crises of the Copperbelt miners Ferguson observed that:

The apparently inevitable processes of rural-urban migration and proletarianization are now replaced by mass lay-offs and “back to the land” exercises. .... In a total of fourteen months of fieldwork in Zambia in the late 1980s, chiefly in the Copperbelt town of Kitwe ... I explored how the economic crisis was affecting the lives of mineworkers and others. Everywhere, I found an overwhelming sense of decline and despair. Mine workers in tattered clothes who were struggling to feed their families.... (Ferguson 1999: 11-12).

Other important social assets are relationships with the American Peace Corps fish expert for technical advice, membership of Kamena Farmers Group (KFG), and a relationship with the Food Reserve Agency (FRA). Material assets include arable land, riparian land or wet land (*ilungu*) for fish farming, sufficient stocks of food, and access to roads and public transport which enable them to trade and market their crops. Limiting factors include use of hand held hoes for cultivation or lack of draught power and personal motorised transport.

*(ii) Crafts, self employment and agriculture*

This combination of livelihood activities includes people with skills in specific trades and crafts such as blacksmith work, bricklaying and other traditional house construction skills like thatching, mat and basket weaving, tailoring, carpentry, and repair of radios or bicycles. These skills are considered as men's skills and are usually acquired through informal learning from other experienced and skilled individuals. Most individuals with these skills have only primary school education. Income from these craft activities is not enough to sustain their livelihood and they also engage in cropping for subsistence, some own relatively small cash crop fields, and engage in livestock rearing and in a few cases, fish farming. Since there is little money in the village economy, the services of these people are usually paid in kind or in cash instalments over long periods. Some of these people are members of the Kamena Farmers Group and are well respected in the village communities. The following are examples of households constructing livelihoods based on trades and crafts and agriculture.

**The Bwalya household**

Bwalya was born in Kamena village in 1960. He was educated at Nseluka primary school where he completed his grade seven in 1978. Bwalya's father is a skilled house builder and taught him the trade. Bwalya got married in 1980 and now lives with his wife and six children at Chapewa village in Kamena. After the rain season Bwalya gets jobs to repair roofs and to build new traditional houses. His two sons help with the house construction. However the jobs are not regular and customers are not quick to pay, thus he supplements his livelihood with cropping and livestock rearing. He owns 6 goats and 4 pigs and about 15 chickens. He cultivates a two hectares plot of maize cash crop and is a member of the KFG. Bwalya also cultivates 3 fields of staple crops, millet, sorghum, cassava and other vegetables using the traditional cut and burn method (*Chitemene*). His household was ranked as well-off (*abaliko-bwino*).

**The Chewe household**

Chewe is a blacksmith and a basket and mat weaver. He was born in 1958 at Binda village in Kamena and was educated at Nseluka primary school up to grade 5. He lives at Binda village with his wife and six children (four sons and two daughters). From the age of fourteen he served as an apprentice with his uncle who was a blacksmith. In this way he acquired his blacksmith skills. Later he developed an interest in mat and basket weaving and acquired the skill from his brother in-law who came to live in his natal village in 1980. His blacksmith work usually involves making

and repairing the hoes (*inkasu*) and axes (*amasembe*) which villagers need for their farm work. He also makes baskets and mats for women. Some customers pay cash, while others negotiate with the staple grains millet, sorghum or maize. Chewe and his wife and children also cultivate their own staple grains millet and sorghum and vegetables using the traditional cut and burn cultivation system (*chitemene*). His older sons sometimes cultivate for others on a piecework basis. The household also rears 30 chickens and two goats. In the wealth and wellbeing ranking the Chewe household was ranked as well-off (*abaliko-bwino*).

### **The Mwila household**

Mwila was born in Chapewa village in 1965. He went to Nseluka primary school and completed grade seven. After his grade seven he acquired his tailoring skill by assisting his grandfather who was a tailor. He married in 1984 and went to live at Binda village, which is his wife's natal village. Mwila has two children with his wife Mulenga. His tailoring business is small and brings about K40, 000 a month. Mwila's wife is in the dry fish business. She buys her fish from traders from Mpulungu and resells them in the village. The Mwila household cultivates three fields using the traditional cut and burn cultivation system (*Chitemene*) to grow the staple grain millet, and other food crops like cassava, beans and vegetables for home consumption. On a few occasions when Mwila is busy with his tailoring business they employ labour on piecework basis to help with the cultivation. In the wealth and wellbeing ranking the Mwila household was ranked as well-off (*abaliko-bwino*).

Capabilities of households engaged in this cluster of livelihood activities include knowledge in crafts and trades, and knowledge of natural resources used in crafts and trades. Social assets include membership of Kamena Farmers Group, a relationship with the Food Reserve Agency (FRA). Material assets include arable land, tools for cultivation and the crafts and trades, various natural resources on the village commons in particular thatch grass, poles and building materials, weaving reeds and grass. Limiting factors are lack of credit facilities for non-agriculture activities and lack support structures. Another limiting factor is the small amount of money in circulation within the village economy, and the small local market for goods and services.

*(iii) Natural resource gathering and processing, petty trading and piece work and reciprocity*

In Chapter 8, I will discuss in more detail issues concerning natural resource use and tenure. Here, suffice to say that by custom in Kamena all natural resources found in a

village territory are considered as God given (*ubupe*) livelihood resources for all villagers. The exceptions to this are personal or household crop fields and residential sites.

Most households in Kamena especially the poor (*abalanda*) and the poorest (*ababusu*) strategize on natural resource gathering and processing, combined with petty trading, piece work and reciprocity. In particular households headed by divorced women, single mothers (*abashimbe*), and widows (*bamukanfwilwa*) tend to engage in these activities. These households are largely dependent on natural resource gathering including the collection of wild vegetables, mushrooms, and caterpillars, thatch grass and other forest products for subsistence and for sale on the main road and in Kasama town. The technique of matrix ranking was used to explore access to and use of natural resources.

**Table 5.7: Natural resource use in Kamena**

Resource	Gender		Age			Wealth Status		Residence	
	M	W	E	A	Y	WY	P	V	NV
Timber	9	3	3	9	7	5	9	10	3
Thatch	8	8	5	10	9	6	9	10	2
Brick clay	10	4	4	9	10	4	9	10	1
Broom-grass	1	10	3	8	8	2	9	10	7
Firewood	4	10	4	7	7	2	9	10	1
Wild Vegetables	2	10	7	8	7	2	10	9	5
Mushroom	3	10	6	8	8	3	10	9	4
Wild fruit	8	8	4	8	10	3	10	10	5
Caterpillar	8	9	8	10	10	3	10	10	9
Honey	10	1	5	8	9	3	9	9	4
Herbs	7	8	10	7	3	6	10	8	6
Pottery clay	0	10	6	8	7	2	10	8	6
Rodent, fish, fowl	5	0	1	6	5	2	5	5	5

**Key:** **M** = men, **W** = women, **E** = Elderly, **A** = Adults, **Y** = Youths, **WY** = Wealthy, **P** = Poor, **V** = Villagers, **NV** = Neighbouring Villagers. **Gender M 1** = rarely collected or processed by men, **Gender M 10** = Highly collected and processed by men, **Gender W 1** = rarely collected or processed by women, **Gender M 10** = highly collected and processed by women. The same key applies to **Age**, **Wealth** and **Residence**.

Source: RRA fieldwork, March 1999

To explore natural resource use in Kamena, first a list of the various natural resources found and used in the village territory was developed with a focus group and recorded on a

flip chart. Then for the purposes of scoring, the researcher drew four matrices on four pages of the flip chart. Each showing the rows of resources and the columns of the group of social actors (classified and arranged in columns according to gender, age, social status and residence) to be compared.

The various natural resources found and used in the village territory were listed along the vertical axis of the matrix. Each matrix was laid on the ground for scoring purposes. Informants were given ten small stones and asked to start at the top of the matrix to indicate which social group collects and uses the resource more than the others. Table 5.7 shows a composite matrix of the results obtained. It is clear from Table 5.7 that natural resource use cuts across social lines. However, some differences are notable. Women, for example, use some natural resources more than men do.

Generally adults tend to use more about natural resources than the youth, but the differences in use appear to be small. The elderly collect few natural resources and usually depend on others who are more active than them. It is also clear that the poor (*abalanda/ ababusu*) tend to use more natural resources than the wealthy. However it must be noted that some of the natural resources collected and processed by the poor (*abalanda/ ababusu*) are sold to wealthy households (*abakankala*) of the village. Also important is the fact that it is common in Kamena for wealthy households to live on large demarcated farms on, which are found various natural resources which they consider as private property. Access to such natural resources is subject to permission from the owners.

It is not surprising that a comparison of natural resource use between villagers and neighbouring villagers shows that residents of a village tend to use their village territory more because the right of access to natural resources is related to village membership. It is important to note that the forest areas on the village commons of Kamena are under pressure from the predominant cut and burn system (*chitemene*). This has led to a reduction of woodland and biological diversity. Very few if any large wild animals remain. The remaining small mammal, bird and reptile species in the area are under pressure from hunting by local households and lack of suitable habitat.

For women in poor households (*abalanda/ ababusu*) beer brewing is an important source of income. The practice of work for a beer party (*ukutumya*) is commonly used to mobilise



extra labour. This is an option only open to households with sufficient millet (*amale*) to brew beer. It is a strategy often used by female-headed household to get men to cut them a *chitemene* or hoe a *fundikila* field. They are also usually involved in buying and reselling items such as salt, sugar, cooking oil, maize meal or paraffin. These households also partly depend on support from their relatives and they work for others on piece-work basis (*ukupula*) undertaking cultivation, weeding harvesting and any other work that is offered by wealthy (*abakankala*) or relatively well-off households (*abaliko-bwino*). This finding is similar to Kepe's observations in Ngwenyeni village located in the Wild Coast of the Eastern Cape Province in South Africa (Kepe 2002). Below are examples of households engaged in livelihood activities within this cluster.

### **Bana-Mwamba household**

Bana-Mwamba is 40 years old, a widow and lives with her three daughters (14, 12, 9 years old) and one son (7 years old) in her natal village Chapewa. She was married in 1985 and lived with her husband in Binda village. Her husband died in 1996 and she refused to be inherited as a second wife by one of her late husband's relatives and moved back to her natal village Chapewa. She is involved in collecting wild vegetables (*umusalu*), mushrooms (*ubowa*) and caterpillars (*ifishimu*) for her household consumption and for sale. Her older daughters assist in her gathering activities. She earns about K75, 000 per month from sales of wild vegetables and mushrooms. The money is inadequate to meet her livelihood requirements. Thus, when she is not collecting these resources she is engaged in growing of millet, maize, groundnuts and beans on her traditional cut and burn (*chitemene*) garden. Since she has no husband she brews beer for a work party (*ukutumya*) for some men to cut for her a new *chitemene* garden or to hoe for her. Occasionally her male relatives assist her with hoeing her gardens. However she laments that the harvest is always too small to feed her four children adequately for the whole year. The children are helpful but they are still too young to work for long hours. Towards the end of the year (the hunger period – *munsala*) she usually cultivates for others for food. Bana-Mwamba's household was ranked as poor (*abalanda*) in the wealth and wellbeing ranking.

### **Bana-Chewe household**

Bana-Chewe is 35 years old divorced and lives with her two children a boy (6 years old) and a girl (4 years old), in Kasonde village. She was married in 1993 and lived with her husband in Lumpombwe village. Her husband died in 1996 and people gossiped about the death being related to HIV /AIDS because he had lost a lot of weight (*ukondoloka*). This upset her because she believes her husband died from malaria. She refused to be inherited as a second wife by one of her

late husband's relative and moved back to her natal village Kasonde village. For her livelihood Bana-Chewe depends on collection of wild vegetables, and mushrooms and sometimes she ventures out with other women to collect caterpillars. She laments that life was much better when her husband was alive because then the household was not poor. Her children are still too young to help and thus she collects only sufficient to eat. Most of the times Bana-Chewe works for others (*ukupula*), hoeing, weeding, or harvesting for food and second-hand clothes for herself and children. She also participates in collection of thatch grass. She cultivates a 1 ha field using the traditional grass- manure system (*Fundikila*) to grow a mixture of crop, sorghum, groundnuts, beans, vegetables and sweet potatoes for her household consumption. However the harvest is usually small and lasts for only four to five months. She can not even spare any millet to brew beer for work parties (*ukutumya*). Bana-Chewe's household is clearly very poor (*ababusu*) and was ranked as such in the wealth and wellbeing ranking.

### **Sulako household**

Sulako was born in Binda village in 1970. He went to Nseluka primary school and dropped out at in grade five. After his grade five education Sulako lived with his uncle in Kamena village and helped his uncle with farm tasks. He married in 1990 and lives with his wife at Binda village with four of their children three boys (8, 5, 3 years old) and a baby girl (1 year old). The Sulako household is visibly very poor (*ababusu*) and were ranked accordingly during the wealth and wellbeing ranking. His building site consists of two mud brick and thatch roofed small huts, one for himself and his wife and the other for his children and a small granary. Sulako mostly works for others cutting and clearing bush for cultivation, hoeing, and harvesting crop. He also offers his labour on house building sites, cutting and transporting building poles and receives payment in cash or in kind. His wife collects wild vegetables (*umusalu*), mushrooms (*ubowa*) and caterpillars (*ifishimu*). She also works for others weeding, or harvesting and prefer to receive payment in food for the household or second hand clothes. The household cultivates two small cut and burn crop fields (*Chitemene*) on which they grow a mixture of food crops for their consumption. The harvest is usually small and the household often receives assistance from close relatives in form of food.

Capabilities of households strategizing in livelihood activities in this cluster include knowledge of natural resources, and indigenous farming knowledge. Social assets include extended matrilineal family networks. The matrilineal residence pattern influences the distribution and circulation of goods and services within the village communities governed by reciprocal obligation. This mutual obligation appears to underlie kinship unity and labour co-operation. Others assets include access to arable land and natural resources in the village commons and fallow fields. Important material assets include arable land, livestock,

farming hand tools, diverse natural resources including thatch grass, poles and building clay, wild edible vegetables, mushrooms, wild fruit and medicines from plants.

At village level limiting factors include: poor cropping soils; diminishing natural resources, especially trees suitable for the traditional cut and burn cultivation (*chitemene*); and lack of sustainable natural resources management. Others are lack of access to credit for crop inputs, as agricultural inputs credit by the FRA at Kamena favours those who are able to pay application fees and is subject to high interest rates. Distant transport services (train and bus station) and transportation of goods from the train station is by head loading, use of a wheelbarrow or bicycle.

#### 5.7.4 Key features common to all households

Assets as discussed in section 3.8.3, Chapter 3 are the defining attribute of livelihoods. The sustainable livelihood approach emphasises that the options open to individuals and households are determined to a large extent by their asset status. This is in relation to land, physical assets, education, social networks, and financial capital (Ellis 2000).

**Table 5.8: Household equipment and domestic possessions in Kamena**

Asset Type	Binda	Chapewa	Kamena	Kasonde	Total
Wheel burrow	6	1	0	0	7
Hand tools	28	10	13	12	63
Sewing machine	8	0	1	2	11
Radio	14	2	4	5	25
TV	2	1	0	1	4
Shot-gun	0	0	1	0	1
Bicycle	17	5	6	6	34
Car/Van	0	0	0	2	2

Source: questionnaire survey, March 2000

Most households at Kamena are generally poor and have relatively few moveable assets. As can be seen in Table 5.8, out of the 64 households interviewed only two owned motorised transport. Some 34 people owned bicycles and seven owned wheelbarrows. The villagers walk very long distances for services such as the bus and train stations, the secondary school, health centre, post office, and the market. Despite the fact that almost all households are engaged in agriculture none of the households own a plough, planter or cultivator. Cultivation of fields by both subsistence and cash crop farmers is by using

hand-held hoes.

At this stage some conclusions can be made from this analysis of livelihoods in Kamena. There is no doubt that households in Kamena strategize around several, combined livelihood activities. However, most people consider themselves as cultivators of crops (*abalimi*) and indeed crop production is a basic livelihood activity for almost all the households. It is also clear that engagement in cash crop production is influenced by wealth and wellbeing status of a household and is dominated by households ranked as wealthy (*abakankala*) or well-off (*abaliko-bwino*) in the wealth and well-being ranking. For this reason it seems that trading, running tuck-shops (*utuntemba*), pensions, retrenchment, formal employment and remittances are important sources of acquiring capital for investment and for a household to engage in cash cropping. However, the poor (*abalanda/ ababusu*) do not have such resources and have no alternative but to strategize on traditional shifting cultivation farming techniques (*chitemene/ fundikila*) which are dependent on natural fertility stored in woodland and grassland for their subsistence.

In addition to traditional shifting cultivation, poor households (*abalanda/ ababusu*) in Kamena also largely depend on gathering and processing land-based natural resources from the village commons, fallow fields and large private farms for extra subsistence income. The people's knowledge of natural resources, their habitats and uses is immense and they have a keen utilitarian interest in all that grows within the village territories. The differences in use of natural resources as observed around various axes of social differences including gender, age, social status, and residence confirms the need to recognise the different livelihood interests in natural resources of sub-groups that constitute the village community. Thus, land-based natural resources form a very important part of household livelihood strategy especially that of the poor (*abalanda/ ababusu*), who seem to use a great deal more natural resources than wealthy households. It is also important to note that malaria and HIV/AIDS related diseases also have an effect on household wealth and well-being status and livelihood strategies. For instance widows whose husbands have died from HIV/AIDS related diseases have to adapt their livelihood strategy and often this means including gathering and processing natural resources.

## **5.8 Summary**

This chapter has introduced the study site Kamena. It has presented the characteristics and livelihood strategies of households in Kamena's village communities. The 'community characteristics and livelihoods' component from the land tenure and rural livelihoods analysis checklist (section 3.8.3 of Chapter 3) has been used as a guide to map out and analyse the characteristics and livelihoods of households in the study site. The focus has been on social structure, location, climate and physical features, demographics, and infrastructure and livelihood analysis. This is done in order to capture community assets and vulnerability context in which the villages exist. The vulnerability context of households at Kamena clearly indicates the need for transforming structures to enhance household livelihoods. In the next chapter I introduce the second study site St. Joseph and in a similar manner to Kamena and following the same structure I present the characteristics and livelihood strategies of households in St. Joseph village communities. This as I said earlier is done as a starting point in analysing the role of land tenure in rural livelihoods.

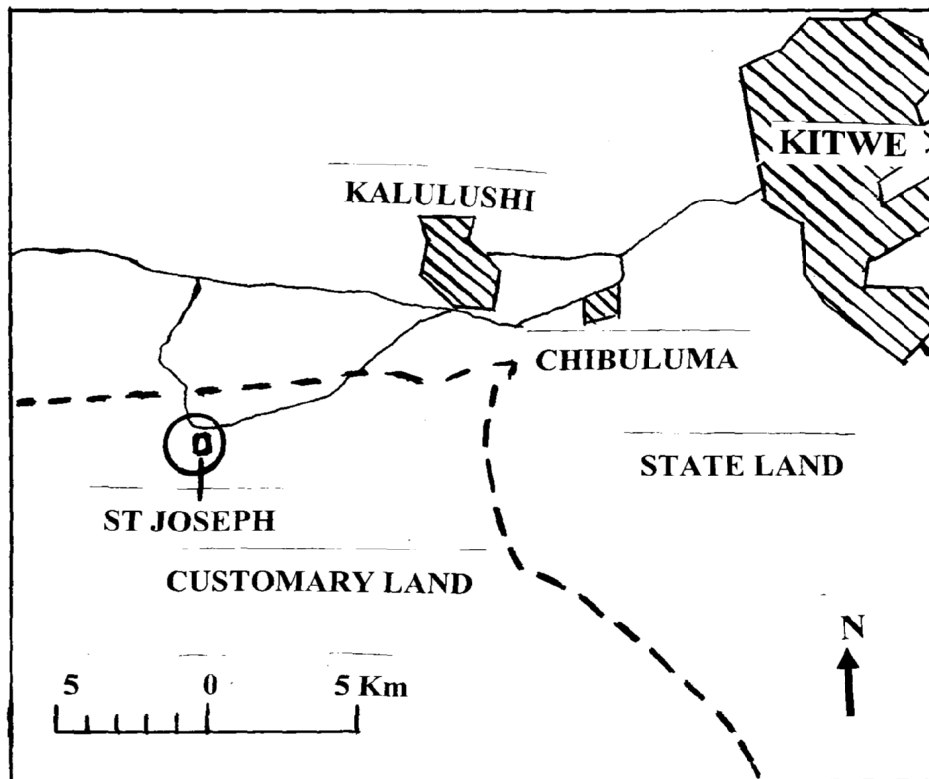
## CHAPTER 6: ST. JOSEPH: CHARACTERISTICS AND LIVELIHOODS

### 6.1 Introduction

In a similar manner to that of Chapter 5, this chapter introduces the study site of St. Joseph. It presents the key characteristics of households in St. Joseph village communities and analyses their livelihood strategies. The ‘community characteristics and livelihoods’ component from the land tenure and rural livelihoods analysis checklist (section 3.8.3 of Chapter 3) is used as a holistic guide to map out and analyse the characteristics and livelihoods of households in the study site. The focus is on social structure, location, climate and physical features, demographics, and infrastructure and livelihood analysis. This is done in order to capture community assets and vulnerability context in which the households in the village communities exist. This is meant to serve as a starting point for further analysis, of the role of land tenure in land-based rural livelihoods, undertaken in subsequent chapters.

### 6.2 Site location: economic and geographic context

Figure 6.1: Map showing location of St. Joseph



St. Joseph's is located in Lufwanyama District (former Ndola Rural District) in the Copperbelt Province. The centre is about 17 Km by road to Chief Nkana's palace. Public transport to Kalulushi town and Chibuluma township is available at the bus station located about 6 Km from St. Joseph. Figure 6.1 shows the location of St. Joseph and Table 6.1 shows the distances from St. Joseph's to the nearest urban areas.

**Table 6.1: Distance from St. Joseph to nearest urban areas**

<b>St. Joseph to:</b>	<b>Distance in Km</b>
Kalulushi	16
Chibuluma	19
Kitwe	26

Source: Estimated from 1:50 000 topographic map of Zambia, 1986.

The Copperbelt Province contains Zambia's most important mining and industrial towns and it is the most economically developed region in Zambia. Copper mining and its extraction is the single most important industry in Zambia. From the 1920s to the present, copper has accounted for 80 to 90 percent of the value of Zambia's exports (Hansungule *et al* 1998). Since the early 1980s, however, copper mining in Zambia has not been faring well. The production of Zambian copper and its price on the London Metal Exchange has been in decline. During the period 1983 to 1998 the main copper mining company, the Zambia Consolidated Copper Mines, reduced its work force by almost 47 per cent (Chilipamushi 2000). Konkola Copper Mines Ltd (KCM) one of the largest post-privatisation copper mining companies has been under threat of insolvency since the pull out of the major share holder Anglo American Company (Republic of Zambia 2002; Mushinfwa 2002). This has brought about many uncertainties for the copper mining industry and the economy of the Copperbelt Province. Many former mineworkers who have lost their jobs are suffering from the poor economic climate and the deteriorating purchasing power of their pension payments (Ferguson 1999: 164-165; Moore and Vaughan 1994: 177, Munshifwa 2002).

As long as the world copper prices continues to fall, economic improvement of the Copperbelt is uncertain. The decline of the mining industry coupled with the liberalisation of the economy, which has resulted in freer entry of imports, has exposed the Zambian manufacturing sector to stiff competition. Several firms have not been able to withstand the competition from imports that have threatened their domestic and international markets. Company closures and down sizing has contributed to rising poverty and many household heads have lost their jobs. Out of 55700 jobs in the manufacturing industry in 1995, 7900 had by 2000 been lost as a result of firm closures (Republic of Zambia 2002: 53). This observation of the economic decline of the Copperbelt and its negative impact on the livelihoods of the mineworkers and manufacturing labour force is consistent with findings of Hansungule and others that have commented that:

It was abundantly clear that we were seeing the Copperbelt at a time of acute economic and social uncertainty, nervousness about the future, and growing visible poverty... we found a wide spread belief that privatisation will result in yet more unemployment and so less money circulating; ... rising crime... more competition for land... (Hansungule *et al* 1998: 34-35).

With the declining urban economy, and high unemployment many urban households see agriculture, which is a predominant activity on rural land, as an alternative livelihood source. Mushinfwa gives an example of the mining town of Luanshya where preliminary surveys show that residents are resorting to farming in rural Luanshya. He observes that:

It is not uncommon especially in farming seasons (October to April) to see people streaming from the townships to fields in rural Luanshya. Some have to walk over 10 kilometres to get to these fields. It is this activity, farming, which has provided sustenance for the Luanshya residents (Munshifwa 2002:20).

After loss of employment some people opt to start an agrarian life in nearby rural areas. St. Joseph's is located in what used to be called the Lamba-Lima Native Reserve during the colonial days. It is relatively near to the urban areas of the copper mining towns and is thus one of the favourite destination for retired or retrenched mine workers who would like to start an agrarian life. St. Joseph is about 16 Km from the nearest copper mining town of Kalulushi. Many of the ex-miners settling in St. Joseph would like to engage in



commercial production of fresh vegetables and other cash crops and settling in St. Joseph means being close to the urban markets.

### **6.3 Climate and physical features**

The Chapula and Chibanga Rivers drain the case study area. The north-south running Chapula River is the physical boundary between territories of the case study village and those of the neighbouring villages on the east. It is a very important source of water for St. Joseph villages. The banks of the Chapula River are covered with *dambo* soils, which are highly suited to crop agriculture. The southern boarder of the case study villages is about a kilometre south of the west-east running Chibanga stream, which is a tributary of the Chapula River. This is also an important source of water for villages located Southeast of St. Joseph's Mission. The banks of the Chibanga River are also endowed with fertile *dambo* soils. However, generally the soils of Lufwanyama district in which St. Joseph is located are classified as plateau soils on the East African Soil Map. They are considered to be generally unproductive and acidic (Trapnell and Clothier 1996).

The altitude of the area is about 1200m above mean sea level. Prevailing climatic conditions are moderate with three distinct seasons. The rain season (*Amanyisa*) starts in November and ends in April. The cold season (*Pamwela*) starts in May and ends in July. The hot season (*Ulusuba*) starts in August and ends in November. St. Joseph's has an average seasonal rainfall of 1180 mm. The mean annual temperature is 21°C with fog and frost conditions being rare (Copperbelt University Weather Station). Through the years, the area around St. Joseph's Mission has been extensively cultivated. The land has been stripped of most of its vegetation, leaving only scattered trees with very large areas of elephant grass. Relatively dense woodlands are only found on the distant outskirts of the village territories.

### **6.4 Social structure**

Like the Bemba, the Lamba people also migrated from the Luba Kingdom of eastern Congo to the Copperbelt Province of Zambia around 1650 AD (Kasoma 1993). They came to settle among the local people of what are to day called Lufwanyama, Mpongwe and Masaiti districts. Today the Lamba people live in fifteen chiefdoms all located in the Copperbelt Province. The Lamba people of Lufwanyama district live in six chiefdoms

namely, Fungulwe, Lumpuma, Mukutuma, Nkana, Shibuchinga and Shimukunami. Several small villages owing allegiance to a chief (*imfumu*) constitute a Lamba chiefdom. The case study villages in St. Joseph owe their allegiance to Chief Nkana.

Unlike the Bemba the Lamba tribe does not have a centralised political system. Although they are a matrilineal tribe, their fifteen chiefs do not share a common matrilineal descent. Chiefdoms have their own matrilineal clans from which their chiefs are selected. The royal clan (*umukowa*) for the Chief Nkana chieftainship is that of *abena-mushishi*. A chief (*imfumu*) has a committee of advisors. A chief's advisor is called *chilolo*. A *chilolo* may be related to a chief, he might be a headman (*bakulu-bamushi*) or just an elderly villager who enjoys the respect of the village community.

Small villages are characteristic of Lamba society, the social organisation of which emphasises matrilineal relationships. In this system an individual belongs to the mother's clan (*umukowa*). This matrilineal link defines the fundamental social relations within the village community of kin. Although the Lamba is a matrilineal tribe their villages do not consist of only matrilineal kin. A village is usually composed of both the maternal and paternal relatives of a headman. This group of extended kinsmen is called *ulupwa*. There are also men and women who have married into the village (*abako*). In addition there has been a great deal of interaction between the Lamba people and people from other tribes of Zambia who came to Copperbelt Province to work in the copper mines (Simons 1979). Headmen in Lamba villages have also allowed families from other tribes, referred to as visitors (*abensu*) to live amongst them.

The *abako* and *abeni* are considered to be outside the village matrilineal system of authority. Because of intermingling, intertribal marriages are common. However the main group in each village is the matrilineal extended family. The headman (*Bakulu-Bamushi* – literally means village elder) is the political male matrilineal authority of the village. The office of headman is hereditary and follows the female line. His authority is general, and covers almost all issues pertaining to governance of the village. Usually the headman selects a few of his matrilineal relatives to constitute an advisory group (*ichilye*) to assist with decision making on matters concerning the village community.

Among the Lamba people monogamy is the rule rather than the exception, and a man his wife and other relatives living with them on the same residential site (*pang'anda*) constitute a household. A household has one main granary (*ubutala*) managed by a wife and all members eat together. As is the case among the Bemba people, gender and age are the main indicators of inequality in relation to authority within the household. The man is the political authority of a household. Again similar to the situation in Kamena, women in St. Joseph can head a household, but traditionally an adult male relative on matters of public importance represents them. In the next section I look at the location of St. Joseph with regard to the economic and geographical context in which the villages operate.

## 6.5 Population

**Table 6.2: Demographic characteristics of household heads in St. Joseph**

<b>Characteristic</b>	<b>Number</b>	<b>Percentage</b>
<b><i>Gender</i></b>		
Male	24	66.7
Female	12	33.3
<b>Total</b>	<b>36</b>	<b>100</b>
<b><i>Age</i></b>		
Under 35	17	47.2
36-45	9	25
46-55	7	19.5
Over 55	3	8.3
<b>Total</b>	<b>36</b>	<b>100</b>
<b><i>Marital status</i></b>		
Married	21	58.4
Single	8	22.2
Divorced	3	8.3
Widowed	4	11.1
<b>Total</b>	<b>36</b>	<b>100</b>
<b><i>Education</i></b>		
None	3	8.3
Primary	20	55.6
Secondary	13	36.1
<b>Total</b>	<b>36</b>	<b>100</b>

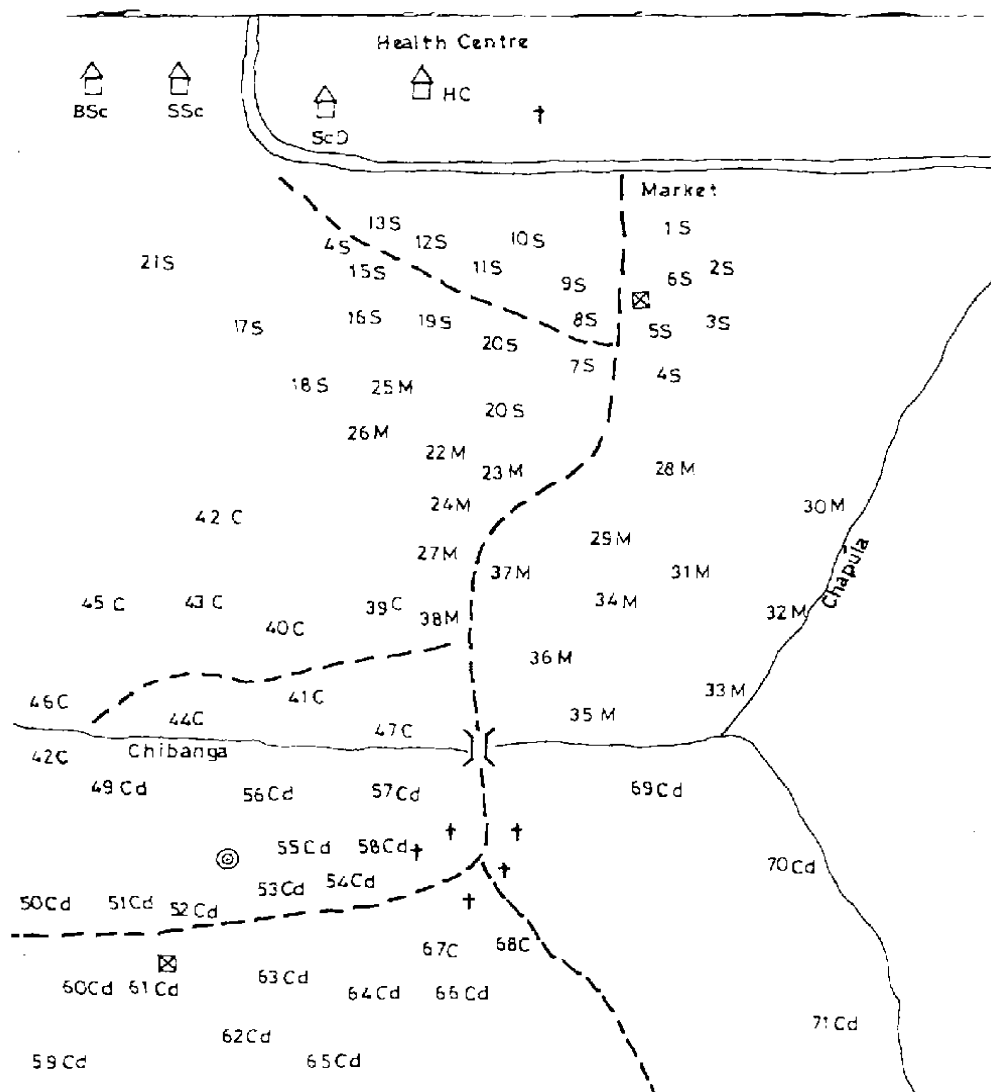
Source: questionnaire survey, April 2000.

A participatory census conducted at St. Joseph revealed that the four study villages have a total of 73 households as follows (Chamina village: 9 households, Chibundi village: 26 households, Mupopele village: 17 households and Safeli village: 21 households). There are 53 male headed households, 20 households are female headed and the total population in the villages is 362.

Table 6.2 shows the socio-economic profile of the 36 household heads interviewed. Out of the 36 household heads interviewed, 66.7 per cent were male and 33.3 per cent were female. The youngest was 18 years old and the oldest was 67 years old. The mean age of the household heads was 39 years. Of the 24 male heads of households interviewed, 21 were married, two were single and one was divorced. None of them were polygamists. Of the 12 female heads of households interviewed, six were single mothers, two were divorced and four were widows. The majority of household heads, 33 out of 36 had some formal education as follows: 20 had primary school education (grades 1 to 7) and 13 had secondary school education (grades 8 to 12). Only three reported having no formal education. Socio-economic profiles of all households in the case study villages in St Joseph were investigated through wealth and well-being ranking and results are presented in Table 6.3 below.

A social mapping exercise was used to carry out the participatory census. Figure 6.2 shows a social map of St. Joseph with the location of the 73 households in the four case study villages in relation to main physical features. Each household has a number from 1 to 73. Next to each household number is a letter indicating the village to which the household belongs. The positions of the main road, pathways, rivers and streams were used as guides to locate the households.

**Fig 6.2: Social map of St. Joseph**



**KEY**

	RIVER/Stream	S - Safeii
	Path way	M - Mupopele
	Main road	Cd - Chibundi
	BSc	C - Chamina
	Basic school	
	SSc	
	Secondary school	
	ScD	
	School for Deaf	
	Church	
	Shop	
	Bolt hole	
	Health Centre	

**Table 6.3: St. Joseph households: wealth and well-being categories**

<b>Wealth Category</b>	<b>Wealth category indicators</b>	<b>No. of households</b>
Wealthy ( <i>ababile</i> )	Live on demarcated farm in brick houses with iron roof sheets, own large green-market gardens and grow hybrid maize for sale, keep relatively more livestock (chicken or goats) than other households, employ seasonal labour ( <i>bama-pisiweki</i> ), influential and respected by the community, trader, own a grocery shop ( <i>akantemba</i> ), or assets such as a bicycle, or radio.	16
Well-off ( <i>abalikofyenka</i> )	grow sufficient staple grain (sorghum and maize) to last the year and a small surplus to sell, own small green market garden, burn charcoal for sale, enjoys respect of most neighbours, own a bicycle, some dependence on natural products from the village commons	21
Poor ( <i>abapengele</i> )	live in mud and thatch houses, experience food shortage and usually working for others ( <i>ama-pisiweki / Ifikongwani</i> ) for food and other necessities, large dependence on wild products from the village commons, respected and trusted by a few people, brewing cheap illicit beer called <i>Kachaso</i> . Usually widows, divorced or single mothers belong to this category	36

Source: Wealth and well-being ranking, July 1999

The number of people per household ranged from 1 to 10, having a mean of 4.8. Table 6.4 shows the size of households. The village population is 53.5 per cent males and 46.4 per cent females. Although the villages at St. Joseph tend to be small, the St. Joseph area has several small villages in close proximity to each other and is relatively more populated than Kamena. The education level achieved amongst the school going age category (above 7 years of age) is as follows: about 6.2 percent of males and 10.1 per cent of females have received no formal education. About 64.6 per cent of males and 69.6 per cent of females have or are receiving primary school education. In addition, 29.2 per cent of males and 20.3 per cent of females have or are receiving secondary school education.

**Table 6.4: Number of people per household in St. Joseph**

No. of people in household	Village				
	Chamina	Chibundi	Mupopele	Safeli	Total
1-3	0	4	1	3	<b>8</b>
4-6	3	7	6	4	<b>20</b>
7-9	0	2	3	2	<b>7</b>
10-13	1	0	0	0	<b>1</b>
<b>Total</b>	<b>4</b>	<b>13</b>	<b>10</b>	<b>9</b>	<b>36</b>

Mean: 4.8, Median: 6, Mode: 6, Range: 9, Standard Deviation: 2.2

Source: questionnaire survey, April 2000

## **6.6 Housing and infrastructure**

The access road to St. Joseph's has gravel surface, which, is in a poor state. During the rainy season the road becomes impassable. Because of the poor state of the gravel access road, the buses stop 6 km away from the Mission Centre. This causes much suffering among the people of St. Joseph, as they have to travel the 6 kilometres on foot to board the bus at the bus stop.

### *(i) Housing, water and sanitation*

There are several styles of houses at St. Joseph built by skilled builders. Some villagers and Catholic Mission staff live in modern rectangular brick houses with galvanised iron roofs. Other houses are constructed in urban styles with burnt brick and asbestos roofing. The rest are built in the traditional style, being circular in shape with pole and mud walls and thatch grass roofing.

The Catholic Mission built-up estate lies on an area of approximately one square kilometre. The buildings are all electrified and are supplied with tapped water pumped from boreholes and stored in elevated tanks. The residents of the village communities mostly depend on the Chapula and Chibanga rivers for their domestic water supply. There is also one borehole with a hand pump located at Chibundi village, which was sunk in 1994 by the Ministry of Energy and Water Affairs in co-operation with the Japanese Government.

*(ii) Education*

St. Joseph's Catholic Mission was built in 1947. It is a very important service centre for the group of villages around it. It has a primary school, basic school and secondary school. It also has a special school for the deaf offering education from pre-school to secondary school. The Catholic Church in co-operation with the government administers all these facilities. Sporting facilities at the Mission grounds include football, basketball and netball pitches.

*(iii) Health and HIV/AIDS*

Another important facility at the Mission is the health centre, which has five beds. The Catholic Church, with the support of government who provide staff and medicines, runs the Health centre. As in Kamena Malaria is also a common infection amongst the village communities in St. Joseph. As I pointed out in Chapter 4 the HIV/AIDS pandemic is a cause of many deaths in Zambian communities<sup>15</sup>. Unlike the situation at Kamena, I found it relatively easier to talk about HIV/AIDS with people in St. Joseph. However just as the case in Kamena, HIV infection is associated with promiscuity (*ubuhule*), and infected people suffer from social exclusion. There are some posters at the health centre on the use of condoms for family planning purposes and for the prevention of HIV/AIDS and other sexually transmitted diseases. Some of the messages read 'AIDS is real', 'AIDS kills', 'ABSTAIN from Sex', 'Be faithful to one faithful partner', 'If you can not abstain use a CONDOM every time'. Disappointingly most of the posters are in English and not Lamba which is the local and widely spoken language in St. Joseph. My impressions at St. Joseph are that HIV/AIDS is quite prevalent. At each of the four case study villages, my research assistant and I visited some households with bed-ridden individuals suffering from TB, Herpes zoster (*umulilowalesa*), chronic Diarrhoea (*ukupolomya*) or Malaria which could be HIV/AIDS related.

The impact of HIV/AIDS on the village community's economy is not easy to quantify. However it is clear that AIDS pandemic is a threat to well being of households in villages. As I stated in Chapter 4, at household level, AIDS takes up from the household income and other inflows that the patient would have brought in. AIDS also reduces the number of people contributing to the livelihood requirements of the household. It is a fact that there is

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<sup>15</sup> More details on HIV/AIDS prevalence in Zambia are discussed in the government poverty reduction strategy paper for Zambia (Republic of Zambia 2002).



no cure yet for AIDS and those who contract HIV and develop AIDS are bound to die. The material cost of mourning and burying the dead is especially heavy on poor households (*abapengele*). Another sad dimension to HIV/AIDS is that it kills both parents in a household and poor households (*abapengele*) who are already struggling in their livelihood are compelled to adopt some orphans.

*(iv) Other social services in St. Joseph*

The nearest, post office, petrol station and police station are at Kalulushi town, which is about 16 kilometres away. Other services offered by the mission to the village communities are a grinding mill for maize and sorghum and a grocery shop. Just near the Mission estate is an open-air market place from which small domestic items such as dry fish, and a variety of vegetables are sold. It is important to indicate that apart from the Catholic Church there are several Christian church buildings which have been built at St. Joseph's Mission including Christian Missions in Many Lands, Seventh Day Adventists, African Methodists and Jehovah's Witnesses.

### **6.7 Livelihood activities**

In this section, I specifically give attention to describing and analysing livelihood activities and production systems of households in St. Joseph. Just as was the case in Kamena several research methods were employed in St. Joseph to learn about the livelihood activities and production systems of households, including direct observation, focus group discussions, semi-structured interviews, life histories, resource use matrices and a short questionnaire survey. Information was triangulated through use of different methods and informants at different times.

Households in St. Joseph are involved in various livelihood activities and children take part in livelihood production activities from as early as 10 years. They often assist their parents with agriculture tasks such as weeding, harvesting, and other relatively simpler tasks such as fetching water and collecting firewood. People are only excused from taking part in livelihood activities from about 65 years when they are considered too old (*abakekulu*) to work. Thus the age range 10 to 65 years is adopted as the age group for economically active people in the village communities.

**Table 6.5: Livelihood activities of economically active people in St. Joseph**

Livelihood category	Livelihood activity	Male		Female	
		No.	%	No.	%
<b>Agriculture</b>	Crop production	45	84.9	64	92.8
	Green market gardening	24	45.3	18	26.1
	Livestock rearing	18	34	22	31.9
<b>Natural resource gathering and processing</b>	Collecting wild plant resources	8	15.1	39	56.5
	Collecting wild animal resources	10	18.9	0	0
	Charcoal burning	18	34	2	2.9
<b>Trading and shop keeping</b>	Shop keeping	2	3.7	0	0
	Trading in second hand clothes				
	Trading in fish				
<b>Trades and crafts</b>	Mat and basket weaving	2	3.7	0	0
	Tailoring	1	1.9	0	0
	Carpentry	3	5.7	0	0
	House building	3	5.7	0	0
	Barber	1	1.9	0	0
	Shoe repair	1	1.9	0	0
	Radio repair	1	1.9	0	0
<b>Petty trading</b>	Beer brewing	0	0	24	34.8
	Sale of repackaged groceries	2	3.7	14	20.3
<b>Formal employment</b>	Cleaning	1	1.9	3	4.3
<b>Piece work and reciprocity</b>	Labourer	20	37.7	42	60.9
<b>Pensions and remittances</b>	Pensions	1	1.9	0	0
	Retrenchment payments	3	5.7	0	0
	Remittances	2	3.7	1	1.4

Note: Economically active individuals (age range from 10 to 65 years) from the sample of 36 households in the small-scale questionnaire survey, were 53 males and 69 females. The question required respondents to make multiple responses for economically active household members.

Source: questionnaire survey, April 2000

The “unified” approach to household economics has given way to the “bargaining” approach that highlights gender inequalities and the conflicting interests of women and men. Thus livelihoods analysis requires examining households as arenas of both joint, as well as conflicting, interests (Whitehead and Kabeer 2001). For this reason I have highlighted differences in livelihood activities of men and women. Table 6.5 shows a frequency distribution of livelihood activities of economically active men and women in St. Joseph.

In St. Joseph, as in Kamena, the primary livelihood activity of most households is farming. All households owned at least one crop field. Households either have traditional shifting

cultivation crop fields (*ifiteme*) or semi-permanent fields (*amabala*) in which they grow their subsistence food crops or permanent fields for cash crops. There are two important cash crop fields, those for maize (*amafamu*) and those for green market vegetables (*amagaladeni*). Crop production is thus common to all households in St. Joseph and can be considered as a basic livelihood activity. Households in St. Joseph rear very few livestock, mainly for meat. Out of the 36 households interviewed 2 households' own 7 goats, one household own 2 pigs and 29 households own 217 chickens. In the next section I discuss cultivation systems in St. Joseph.

### 6.7.1 Traditional cultivation system

The traditional farming systems of the Lamba people are the cut and burn shifting cultivation (*ifiteme*) and the semi-permanent grass manure cultivation system (*amabala/mushime*). This is the cultivation system which, is practised by some households ranked as well-off (*abaliko-fyenka*) and most households ranked as poor (*abapengele*). The *fiteme* tasks of the Lamba are the same as the Bemba *chitemene* tasks. They basically consist of selecting a site with suitable trees, cutting of trees, collecting and piling of the cut branches on the site to be cultivated, burning, sowing and planting, weeding and harvesting. A notable difference between the Bemba *chitemene* and Lamba *ifiteme* is the manner in which the trees are cut. The Bemba only cut off the branches of a tree. The trunk is left standing, whereas the Lamba cut the trees to waist height.

**Table 6.6: Number of cultivated fields per household at St. Joseph**

Number of fields	Households owning this number of fields	Total number of fields
1	18	18
2	11	22
3	7	21
<b>Total</b>	<b>36</b>	<b>61</b>

Mean: 1.7, Mode: 1, Median: 1.5, Range: 2, Standard Deviation: 0.8

Source: questionnaire survey, April 2000

A *fiteme* garden is used for four to five years cultivating a crop sequence of sorghum (*amasaka*), groundnuts (*imbalala*) and beans (*chilemba*) every other year until the crop yields are low. It is then left to fallow for some years to allow for soil regeneration and a new garden is started elsewhere. Thus a household may have several fragmented fields.

Unfortunately, the woodland of St. Joseph is under pressure from a combination of the cut and burn system of farming (*ifiteme*) and charcoal burning (*ukocha-amalasha*) in which 34 percent of men are engaged. Therefore, most of the land in St. Joseph is open grassland, and nowadays it is not possible for every household to prepare a *fiteme* garden on an annual basis because of lack of suitable trees. In a small questionnaire survey conducted at St. Joseph only eight (22.2%) out of 36 households sampled reported having *ifiteme* crop fields and the mean number of cultivated crop fields per household is 1.7 (see Table 6.6).

The scarcity of woodland at St. Joseph has resulted in adaptation of the *ifiteme* farming system to a hoe (*ise*) based grass manure farming system (*amabala/ mushime*) near homes. Usually mound (*imilala*) cultivation techniques are used to create compost from grass. The long-handled iron hoe (*ise*) is used for mound construction. However, sometimes some people simply set fire to the grass cover and cultivate on the flat (*mushime*).

The *amabala/ mushime* system of cultivation is semi-permanent, with crop rotations practised. The variety of grass and bush shrub, which in the rain season grows quickly, is hoed in each year as manure. Each household only uses a part of its land near the residential site; the rest is left in fallow for subsequent field rotation. A crop field is used for a period of about four years inter-cropping the staple sorghum (*amasaka*) and maize (*amataba*) with different food crops (sweet potatoes, beans, groundnuts, and cassava), that allow for the rotation system of agriculture. Then the field is left to fallow to allow the self-sown plants and grass to grow again. A new crop field is started on the remaining fallow portion of the household land. Thus, the crop field sites are relatively stable. Households also grow some fruit trees mostly mango and banana on their residential sites (*pang'anda*).

### **6.7.2 'Improved farming cultivation system'**

The small-scale cash crop farmers in St. Joseph use the improved system of farming to grow maize and green vegetables for the market. The fields are of two types: the green market vegetable gardens (*amagaladeni*) are in the low-lying areas or *dambos*, and on the higher ground are the maize cash crop fields (*amafamu*). The hybrid maize fields are often located near the farmer's residential site and are well demarcated and usually rectangular form. Crop field size ranges from 0.5 hectares to 5 hectares. The cultivation techniques used by hybrid maize and vegetable farmers are based on the advice provided by agricultural officers. It requires that a field to be farmed is stumped and then cultivated on

the flat or with mounds. The mounds are formed across the slope of the land to avoid soil erosion. Chemical fertilisers and improved seed are used. Maize yields average about 40-kg bags per hectare.

There is no farmer's association at St. Joseph mission. The acquisition of farm inputs and marketing of crop is left to the initiative of the individual head of the household. Thus, the main limitations to size of crop fields are firstly, capital to purchase inputs, and secondly labour to work the fields. Market gardening (*amagaladeni*) is practised by some households in the moist, more fertile soils of the low-lying riparian land along the Chibanga and Chapula watercourses. Riparian land is valuable to vegetable garden cultivators because it guarantees a supply of water for the garden even during the dry season. These gardens are mainly for the cultivation of green vegetables such as cabbage, rape, tomatoes, onions, and Irish potatoes. Chemical fertilisers and improved certified seed are used. Cultivation of vegetable gardens starts in March and ends in December. January and February are not part of the green vegetable season because of the heavy rainfall. For these households, green vegetable growing is a very important source of cash for both men and women and for providing relish to the staple sorghum meal (*Nshima*). The vegetables grown are sold at the town centre markets of the urban areas of Kitwe and Kalulushi.

The vegetables are planted in ridge beds (*imilala*). In some gardens, ridges are prepared in such a way as to allow for furrow irrigation. However, this depends on the slope of the garden site. Most gardens are watered from a bucket, with water collected directly from the Chibanga or Chapula rivers. In addition, crops such as local maize (*amataba*), and sugarcane (*ifisali*) are grown. Men and women mainly use hoes (*inkasu/ise*) to prepare the land.

### **6.7.3 Livelihood activities and social differences**

In addition to crop production households in St. Joseph also tend to engage in other livelihood activities to supplement their income from cropping. In this section I discuss livelihood activities of households as they are combined with cropping as a primary livelihood activity, bearing in mind the social differences between households identified in the wealth and well-being ranking exercise (see section 6.5 Table 6.3).

(i) *Trading and shop keeping, pensions, retrenchment payments, remittances and formal employment*

In St. Joseph traders and tuck-shop (*utuntemba*) owners often have a background of formal employment. They are usually former migrant workers from St. Joseph village communities or former miners, originally from other parts of Zambia. They have since retired, retrenched or lost their jobs for different reasons. However their history in formal employment is key to their wealth and wellbeing status. The tuck-shops (*utuntemba*) are stocked with basic items such as sugar, salt, cooking oil, soap, matches, candles, razor blades and basic medical drugs. Supplies for the grocery shops are purchased from Kalulushi and Kitwe town. Shop owners use either buses or bicycles to go and purchase their goods. They complain of the high costs of transporting their goods. They also lament the little money in the villages, which often compels them to make credit sales. These households tend to be wealthier (*abakankala*) than other households in the village community.

The traders have no association or organisation to share ideas on problems, to plan together or to jointly negotiate for finances or services. Some traders and tuck-shop owners capitalise their business from agriculture especially from green market vegetable gardens (*amagaladeni*) while some traders and tuck-shop owners capitalise their agricultural activities from the profits of their trading and tuck-shops. In some cases these households also receive remittances from their children who are in employment in towns, that they then invest in agriculture, trading or tuck-shop businesses or just spend the money on house keeping. Some of these households are also engaged in small livestock rearing, in particular chickens, goats and pigs mainly for home consumption. Below are some examples of households engaged in this cluster of livelihood activities.

**Ba-Sachisola household**

Ba-Sachisola was born in the Northwestern Province in the town of Solwezi in 1949. He attended school only up to grade 7. In 1970 he left Solwezi town for the copper mining town of Chingola to live with his brother who was working in the mines. He started work as a miner in 1972. Ba-Sachisola married in 1974. He worked for the mines up to 1996 when he was retrenched and paid his separation money in a lump sum. Ba-Sachisola says he was not keen to return to his natal village in Solwezi because relatives were going to heavily depend on him for cash and he also feared to be bewitched. He quickly started trading in second hand clothes (*salaula*). The income

from this was not sufficient to support his household needs especially his water and electricity bills. In 1998 he visited a friend living in Chibundi village in St. Joseph. He loved the place and decided to settle there.

Ba-Sachisola lives with his wife and two of his sons (16 and 14 years old) on a 50 hectares farm in Chibundi village, which he bought from a local village elder. He is considered as an outsider (*abensu*) but he is well respected and in the wealth and well-being ranking his household was ranked as wealthy (*ababile*). He is well known for his small but well stocked grocery shop (*akantemba*) run by his son. He has invested some of his retrenchment money in developing a 5 hectares maize field (*ifamu*) and a 1-hectare green market vegetable garden (*galadeni*). On his garden he mainly grows cabbage, which he says, is more profitable than other vegetables but also grows other vegetables such as rape, onions and tomatoes. His wife does all the domestic work and cultivates about 1 hectare of subsistence crops (sorghum, sweet potatoes, beans and other vegetables). Ba-Sachisola spends a lot of his time supervising part-time labour (*abama-pisiweki*). He pays his employees, at times in cash but usually in kind, in the form of maize meal flour (*ubunga*), salt, sugar or cooking oil even exercise books for school children. In 2000 he sold about 2000 heads of cabbage at K400 each earning about K800, 000 and 200 bags of maize sold at K25, 000 each, earning about K5, 000, 000.

### **Ba-Kinda household**

Ba-Kinda was born in 1956 in Chief Nkana's village. He went to school there up to grade 7. He then went to live with relatives in the copper mining town of Kalulushi in 1970. In 1975 he was employed in the mines as a miner. In 1976 his father died and his mother left Chief Nkana's village to go and live at her natal village in St. Joseph. In 1978 he went to visit his mother who was staying at Chamina village in St. Joseph and it was at this time that he met his wife Joyce. He married Joyce in 1980 and took her with him to Kalulushi town. Ba-Kinda worked for the mines up to 1998 when he was retrenched. He was paid his retrenchment money in a lump sum and he decided to go and settle at his mother's village in St. Joseph. His two sons (15 and 13 years old) live with him and his wife on their farm. His two daughters are married and live with their husbands in Kalulushi town and the other in Kitwe town. He receives some money from them but only a few times in a year.

Ba-Kinda is a trader in dry fish (*isabi*) which he buys in Kitwe town, at the Chisokone market. Then he transports it to St. Joseph by means of public transport. Fish is scarce in St. Joseph thus Ba-Kinda's prices are quite high and usually it is only the teachers at the secondary and primary schools that buy from him. The personnel at the Catholic Mission and medical personnel from the

health centre also buy fish from him. Ba-Kinda says he earns about K3, 000,000 from selling fish. According to the wellbeing and wealth ranking Ba-Kinda is well respected and his household is ranked as wealthy (*ababile*). Ba-Kinda also cultivates 3 hectares of improved maize for sale and for household consumption. In 2000 Ba-Kinda produced 110-kg bags of maize for sale at K25, 000 a bag, earning about K2, 700, 000. Because he is usually busy with his fish business his wife assists him with supervision of piecework labour. His wife and his children are heavily involved in green market vegetable growing on a 1-hectare plot from which they make a profit of about K1, 500, 000 a year.

### **Ba-Mwape household**

Ba-Mwape was born in Serenje district in the Central Province of Zambia in 1945. He attended school from 1955 up to 1962. His uncle who was working for the municipality in Kitwe town invited him to come and attend junior secondary school in Kitwe. He attended night school and finished his junior secondary certificate in 1966 after which he got employment with a construction company. He married in 1967 and by 1975 had risen to the position of building foreman. He retired in 1995 and started his own trading business in dry fish and second hand clothes. Life in town became expensive for his household and they decided to start a farming life in St. Joseph. They found a 50 hectares farm to buy through friends in Mupopele village in St. Joseph and bought it. It is located along the Chapula River. Ba-Mwape is an outsider (*abensu*) in Mupopele village.

Ba-Mwape's wife buys dry fish from the main market in Kitwe town and re-sells it at the market in St. Joseph. She also grows subsistence crops on a 2 hectares plot. Ba-Mwape is engaged in green market gardening on a plot of about 2 hectares. He also cultivates maize on a 4 hectares field for sale. The household employs labour to cultivate for them. Ba-Mwape has three sons (32, 30 and 25 years old) and a 28-year-old daughter. Two of his sons live and work in Kitwe town. The 25-year-old son lives with him on the farm and is working as a cleaner at the Catholic Mission. Every month the young man gives money to his mother for house keeping. His daughter is married and lives with her husband in Chingola town. His two sons and daughter occasionally send him and his wife some money. In the wellbeing and wealth ranking Ba-Mwape's household was ranked wealthy (*ababile*).

Households in this cluster of livelihood activities have the following capabilities, knowledge in improved cropping techniques, and they have or can afford to hire farm labour. They have knowledge and experience in trading and running tuck-shops. Their social assets include children or relatives from whom they receive remittances. Material assets include arable land, livestock, and sufficient stocks of food, roads and public



transport, which enable them to trade and market their crops. Limiting factors include use of hand held hoes for cultivation or lack of drought power, lack of support structures such as farmers association or co-operatives.

*(ii) Trades and crafts and petty trading*

The term tradesmen or craftsmen here refer to individuals with skills who supply services to individuals and households in the village communities. The group of trades and crafts people in St. Joseph engages in tailoring, bricklaying or house building, carpentry, mat and basket weaving, and charcoal burning. Tradesmen and craftsmen constitute about 23% of the economically active men in St. Joseph village communities and they are exclusive to men. The educational qualifications of men with these skills ranges from grade 5 to grade 12 and the skills are often acquired through apprenticeship from experienced relatives or friends and not through formal tertiary education.

The village communities in St. Joseph do not have an association for crafts-men. The income from these forms of self-employment is not sufficient to provide a livelihood and thus almost all the craftsmen are farmers as well and their wives usually engage in petty trading of small groceries and in some cases wild plant products from the village commons and fallow fields. Except for charcoal (*amalasha*) most products and services of craftsmen men are sold mainly to local people, and as there is little money in the village economy, the products are sold on credit or cash instalments. There is no credit facility of any form that gives tradesmen loans. However people assist (*ukwafwana*) one another in times of need with tools, and labour. Below are some examples of households in this cluster of livelihood activities.

**Ba-Musonda household**

Ba-Musonda is an outsider (*abensu*) in Chibundi village. He was born in Mansa in 1956 in Luapula Province. He was educated in Mansa up to grade 10. Then he moved to Kitwe town in 1975 to live with his uncle who was working for the mines. His uncle found him employment as a labourer with a building contractor in 1976. Ba-Musonda learnt his skill as a bricklayer from experienced bricklayers with whom he worked. Ba-Musonda married his wife Maria in 1983 and they have two daughters (18 years, and 14 years old) and two boys (16 years and 10 years old). Ba-Musonda lost his job in 1995 and was not able to find another job. He decided to move to St. Joseph to his wife's natal village Chibundi in 1997. Today Ba-Musonda is well known in Chibundi village as a house

builder and his household was ranked as well-off (*abaliko-fyenka*). There are other house builders in St. Joseph thus he only gets about two or three jobs to build houses in a year and this earns him about K600, 000 per year. He also burns charcoal (*ukocha amalasha*) which he sells in the nearby copper mining town of Kalulushi and to some Catholic Church Mission staff earning about K500, 000. Ba-Musonda, his wife and children also cultivate 2 crop fields of about 3 hectares in which they grow the staple grain sorghum (*amasaka*), local maize and vegetables for their subsistence. His wife occasionally brews beer to earn extra income for the household. They do not grow any cash crop but they always have sufficient food to last the year.

### **Ba-Katombi household**

Ba-Katombi is a tailor. He was born in 1973 at Safeli village in St. Joseph. He was educated up to grade 10. His father is also a tailor and he taught him the trade. He lives at Safeli village with his wife and two children (a 4-year-old son and a 2-year-old daughter). His tailoring work usually involves making and repairing of school uniforms and some times clothes for men, women, boys and girls. He is very busy just before the schools open for the New Year. He earns about K1, 500, 000 from making school uniforms in a year and about K400, 000 from making and repairing other clothes. In the wealth and wellbeing ranking the Ba-Katombi's household was ranked as well-off (*abaliko-fyenka*). He complains that people would rather buy second hand (*salaula*) clothes than come to him to make them new clothes. He always insists on cash payments but his customers often talk him into accepting cash instalments. His wife cultivates the staple grain sorghum (*amasaka*) and other food crops using the traditional grass manure cultivation system (*fundikila/mushime*) on 2 hectares of land. Ba-Katombi some times hires piecework labour (*bama-pisiweki*) to assist his wife. His older sons sometimes cultivate for others on piecework basis. The household also rears 30 chickens and two goats.

### **Ba-Daimandi household**

Ba-Daimandi is an outsider (*abensu*) in Chibundi village. He is from the Luvale by tribe and was born in Chavuma in the North Western Province in 1947. That is where he completed his primary schooling. In 1974, he came to visit his brother who was living at Mbelenga village near St. Joseph. He decided to stay and assisted his brother in charcoal burning. He married a Lamba woman of Safeli village in 1976 and had four children one son and three daughters with her. His wife died in 1996 and he decided to go and settle in Chibundi village and married another woman from there in 1998. Ba-Daimandi is a charcoal burner (*ba-kamalasha*). His 22 years old son Lawrence assists him in his charcoal burning activities. This earns him about K800, 000 per year. Ba-Daimandi also cultivates green market vegetables on a half-hectare plot for sale in Kalulushi town, which earns him about K600, 000 per year. His wife brews beer occasionally, and also sells small groceries

such as maize meal flour, salt, sugar and cooking oil, which she buys in Kalulushi town. She estimates her earnings from groceries at K400, 000 in a year. The household also cultivates about 2 hectares of staple grain sorghum (*amasaka*), local maize and vegetables using the traditional grass manure cultivation system (*fundikila/ mushime*) for their subsistence. Ba-Daimandi's household has sufficient food to eat through out the year and was ranked as well-off (*abaliko-fyenka*) in the wealth and well-being ranking.

Capabilities of households engaged in this cluster of livelihood activities include knowledge in crafts and trades, and knowledge of natural resources. Social assets include access to natural resources on the village commons. Material assets include arable land, tools for cultivation and the crafts and trades, various natural resources on the village commons in particular thatch grass, poles and building materials, weaving reeds and grass. Limiting factors are lack of credit facilities, and lack support structures. Another limiting factor is the little money in circulation in the village economy and the small local market for goods and services.

*(iii) Natural resource gathering and processing, petty trading, piece work and reciprocity*

Households of the poor (*abapengele*) in St. Joseph are heavily engaged in natural resource gathering and processing for their livelihoods. These households collect a range of wild plant and animal resources from the village commons and fallow fields. Edible wild vegetables, mushrooms, mammals, and insects (for example caterpillars) are gathered from the forest to supplement this diet, as well as for sale on the main road and town markets. As in the case of Kamena (Chapter 5, section 5.7.3) the technique of matrix ranking was used to explore access and use of natural resources in St. Joseph. Table 6.7 below shows a composite matrix of the results obtained.

It is clear from Table 6.7 that natural resource use cuts across lines of social difference. However, some social differences are significant. Women, for example, use some natural resources more than men do and the opposite is also true. The differences between adults and the youth are small except in respect of herbs. The adults tend to know more about herbs than the youth and the youth are dependent on their seniors for advice on the use and collection of herbs. The elderly, however, tend to collect fewer resources and they tend to depend on their children and grandchildren for their daily requirements.

**Table 6.7: Natural resource use at St. Joseph**

Resource	Gender		Age			Wealth Status		Residence		
	M	W	E	A	Y	WY	P	V	NV	O
Timber	10	0	0	6	4	4	6	8	7	3
Thatch	1	9	1	8	5	2	10	8	8	4
Brick clay	9	0	1	8	9	2	9	8	1	0
Broom-grass	9	5	1	8	9	2	9	8	1	0
Firewood	2	8	5	7	2	3	7	10	9	2
Wild Vegetables	0	10	4	6	8	1	10	9	8	0
Mushroom	2	8	7	9	9	1	9	8	8	5
Wild fruit	2	4	0	4	5	1	6	6	5	0
Caterpillar	4	4	1	5	5	0	5	5	5	0
Honey	6	0	1	5	6	1	7	7	7	0
Herbs	5	5	9	8	5	4	9	9	8	7
Charcoal Wood	10	0	0	10	5	2	10	9	9	4
River water	2	10	2	10	10	6	10	10	5	0
Rodent, fish, fowl	5	0	1	5	5	0	5	6	5	0

**Key:** M = men, W = women, E = Elderly, A = Adults, Y = Youths, WY = Wealthy, P = Poor, V = Villagers, NV = Neighbouring Villagers; O = Outsiders.

**Gender M 1** = rarely collected or processed by men, **Gender M 10** = Highly collected and processed by men, **Gender W 1** = rarely collected or processed by women, **Gender M 10** = highly collected and processed by women. Scores in columns for **Age**, **Wealth** and **Residence** should be read in a similar way.

Source: RRA fieldwork, March 1999

As at Kamena, a comparison of natural resource use between the poor and the wealthy shows that the poor tend to use more natural resources than the wealthy (see section 5.7.3, Table 5.7, Chapter 5). Important in this regard is the recognition that a portion of forest products collected and processed by the poor (*abapengele*) is sold to wealthy households of the village. It should also be noted that most of the wealthy households (*ababile*) of St. Joseph live on farms whose natural resources they regard as their property and guard jealously and permission is required for other villagers to gather resources. Note that this issue on livelihoods and natural resource tenure in St. Joseph is discussed later in Chapter 10. A comparison of natural resource use between villagers and neighbouring villagers indicates that residents of a village tend to use their village territory more than their neighbours do. It is also important to point out that woodland in St. Joseph is under pressure from cultivation and charcoal burning activities of the village communities. Large

wild animals have not been seen for many years. The remaining small animals like hares, birds and reptiles are under threat from lack of suitable habitat and hunting by the local community.

Women in St. Joseph, especially those from poor households (*abapengele*) are also engaged in beer brewing and sale of small groceries as a means of supplementing household income. Beer brewing is regarded a trade exclusively for women. There are many types of beers brewed, with a mix of different ingredients. The most common ones, *katubi* and *katata*, are brewed from maize and millet respectively. Some illicit brews *lutuku* and *kachaso* are also brewed. *Munkoyo* is another important traditional soft drink brewed from maize, sugar and the *mukoyo* root. The money realised from the sales of beer is used by women for immediate household needs like paying for children's school fees, meeting health care costs or buying clothes for children or (*chitenge*) wrapper cloth for themselves.

The staple grains of sorghum and maize grown in traditional crop fields (*ifiteme* and *amabala*) of poor people (*abapengele*) last only for about eight months or so, then these households go into the hunger period (*impindi ya kaumbo*) from about November to March. The hunger period coincides with the peak cultivation of the maize cash crop in October and early November. By this time, most poor households' stocks of sorghum or maize have run low or been entirely depleted. Women from poor households in particular are then under pressure to provide food for their families. They are willing to sell their labour on a part time basis (*amapisiweki*) to cash crop farmers for very little payment. They hoe, weed, or harvest crop and are satisfied with payment of sufficient sorghum or maize flour to make the staple food *nshima* for the day. Working for others is time consuming and for women from poor households (*abapengele*) this competes with work on their food crops. Consequently, the poor (*abapengele*) are caught up in a vicious circle of inadequate food to last throughout the year. This has a negative effect on their nutrition and health. Below are some examples of households engaged in livelihood activities in this cluster.

### **Bana-Mulonga household**

Bana-Mulonga is 37 years old, a widow (*mukafwilwa*) and lives with her two sons (9 years and 6 years old) and two daughters (16 years and 12 years old) in Mupopele village. Her husband died in 1998 from tuberculosis (often associated with HIV/AIDS in Zambia). Bana-Mulonga usually works

for others on a part time basis (*amapisiweki*), cultivating, weeding, and harvesting crop. She also works for charcoal burners (*bakamalasha*) packing charcoal in bags in readiness for sale. She prefers to be paid in kind especially with food. There is no doubt that Bana-Mulonga's household is very poor and her household was accordingly ranked as poor (*abapengele*). During the rain season (November to April) she collects wild vegetables (*umusampala*) and mushroom (*ubowa*) from the village commons and fallow-fields for sale and for household consumption. From wild vegetables she earns about K200, 000 per year and from mushrooms she earns about K300, 000 in a year. In addition to this Bana-Mulonga cultivates about half hectare of staple grain sorghum (*amasaka*) and vegetables. She cultivates a small plot because she lacks the labour to cultivate more land. Her children are still relatively young and cannot cultivate as much as adults can. Some of her female relatives are very sympathetic and assist (*ukwafwilisha*) her with food and sometimes with cultivation. The food that Bana-Mulonga cultivates does not last a year and the household often experiences food shortages.

### **Bashi-Clementi household**

Bashi-Clementi is 57 years old and lives with his wife and two of their youngest children a boy who is 15 years old and a 12 years old girl in Chamina village. They have four other children who are now grownups and have gone away from the village. His residential site consists of three poorly built mud huts. Bashi-Clementi burns charcoal (*amalasha*). He earns about K750, 000 from his charcoal burning activity, however he is infamous in the village for drinking too much of the illicit beer (*Kachaso*). His wife claims that he spends most of his earnings buying the illicit *Kachaso* beer. Because of his heavy drinking habit few people respect Bashi-Clement and in the wealth and wellbeing ranking his household was ranked as poor (*abapengele*). During the rain season Bashi-Clementi's wife works for others (*amapisiweki*) hoeing and weeding and prefers to be paid in food. She also collects various wild vegetables (*umusampala*) and mushrooms (*ubowa*) for sale and for home consumption. She earns about K100, 000 from vegetable sales and K250, 000 from mushrooms per month. Bashi-Clementi is slack in hoeing and his wife cultivates a small field to grow the staple sorghum (*amasaka*) and vegetables. The household experiences food shortages.

### **Bana-Mary household**

Bana-Mary was born in Mupopele village in 1969. She was educated in St. Joseph up to grade seven and then dropped out of school. She got married to an outsider (*abensu*) from the Northwestern Province who came to burn charcoal in her village in 1988. Her husband lived with her for only six years after which they divorced because he became a drunk (*chakolwa*) and could not provide for the household adequately. By the time she was getting divorced in 1994 she had 2 daughters with him. After the divorce the man left the village and she has never heard from him

again. She now lives with her two daughters (10 and 8 years old) in one small mud hut. When she is not working for others Bana-Mary spends much of her time at the local market selling small groceries, salt, sugar and cooking oil from which she earns about K60, 000 per month. She also brews beer occasionally and engages in thatch grass (*ichani*) collection for people mending their roofs or constructing new houses. During the rain season Bana-Mary collects various types of wild vegetables (*umusampala*) and mushroom (*ubowa*) from the village commons and fallow fields for sale and consumption. From the sale of wild vegetables she earns about K100, 000 per month and from the sale of mushrooms about K200, 000. Bana-Mary cultivates a grass-manure crop field (*mushime*) on which she grows the staple grain sorghum (*amasaka*), local maize and different types of vegetables for household consumption. Her brother who lives in the same village helps her with hoeing the crop field during the rain season and assists her with food on some occasions.

Capabilities of households engaged in livelihood activities in this cluster include knowledge of natural resources, and indigenous farming knowledge. Social assets include extended matrilineal family networks, reciprocity, access to natural resources in the village commons and fallow fields. Important material assets include arable land, livestock, farming hand tools, diverse natural resources including thatch grass, poles and building clay, wild edible vegetables, mushrooms, wild fruit and medicines from plants. At village level limiting factors include diminishing natural resources, thus, lack of sustainable natural resources management, lack of access to credit for crop inputs and risk of economically active members of households contracting Malaria and other HIV/AIDS related diseases and being rendered unproductive.

#### **6.7.4 Key features common to all households**

The majority of households at St. Joseph are poor. This can be appreciated from the small number of productive equipment and domestic possessions that they own (see Table 6.8) below. None of the households interviewed own motorised transport. Only 20 own bicycles and 13 own wheelbarrows. Although most villagers are engaged in crop cultivation, none own any mechanised agriculture equipment. Both subsistence and cash crop farmers cultivate their field by hoeing. Hand tools are widely owned by farmers and craftsmen for use in their tasks. Out of 36 households interviewed, only three own batteries operated television sets and 16 own radios.

**Table 6.8: Household equipment and domestic possessions at St. Joseph**

Type of asset	Chamina	Chibundi	Mupopele	Safeli	Total
Wheel barrow	1	4	4	4	13
Hand tools	4	13	10	9	36
Sewing machine	0	0	1	1	2
Bicycle	2	10	5	3	20
Radio	3	4	4	5	16
TV	2	0	0	1	3
Other	0	2	0	0	2

Source: questionnaire survey, April 2000

Some general conclusions can be drawn from this discussion of the key characteristics of livelihoods in St. Joseph. It is clear that households' are engaged in several livelihood activities. Crop production is basic to almost all the households in the village communities. However engagement in cash crop production in particular production, of improved maize and green market vegetables, is influenced by wealth and wellbeing status of a household. Thus, cash cropping is common among households which, were ranked as wealthy (*ababile*) or well-off (*abaliko-fyenka*) households in the wealth and well-being ranking. This has led me to conclude that trading, running tuck-shops (*utuntemba*), pensions, retrenchment, formal employment and remittances are important sources of acquiring capital for investment and for a household to engage in cash cropping. This is a limiting factor to poor households (*abapengele*) with no such sources of income who instead strategize on traditional subsistence farming techniques (*ifiteme/ mushime/ amabala*) which are dependent on natural fertility stored in woodland and grassland.

Poor households (*abapengele*) in St. Joseph, on the other hand, largely depend on gathering and processing land-based natural resources from the village commons, fallow fields and large private farms for extra subsistence income. Thus, land-based natural resources, in the village territories are a very important part of livelihood strategies of the poor (*abapengele*). The impact of HIV/AIDS related diseases also have an effect on household livelihood strategies. For instance widows whose husbands have died form HIV/AIDS related diseases have to adapt their livelihood strategy and often this means including gathering and processing natural resources.



## **6.8 Land tenure and livelihoods dimensions of proximity to urban areas**

Before I conclude this chapter, in section 2.3.2 of Chapter 2, I indicated that the two case study sites were purposively selected, one located in a typical remote rural area (Kamena) and the other (St. Joseph) located in a rural area but relatively near to major urban settlements. Given this purposive selection of two study sites, at this stage it is important to ask the question: what difference does proximity to an urban area make in relation to land tenure and livelihoods in Kamena and St. Joseph?

This chapter has shown that the traditional farming system of the people in Kamena and St. Joseph is the cut and burn-shifting cultivation with its attendant fragmented household crop fields. However, the woodland of St. Joseph is under pressure from a combination of the cut and burn system of farming and charcoal burning in which 34 percent of men are engaged. Charcoal has a ready market in the nearby mining towns. The urban demand for charcoal and other natural resources has through the years contributed to the depletion of trees and other natural resources in St. Joseph than in the remote site of Kamena.

Because of scarcity of suitable trees at St. Joseph only 22.2% of households sampled reported having cut and burn crop fields compared to 68.1 % for Kamena. Further the mean number of cultivated crop fields per household at St. Joseph is 1.7 compared to 3.6 for Kamena. Thus, the people in St. Joseph where there is a relative scarcity of forestland have adapted more to sedentary agriculture than the people in the remote study site of Kamena where forestland is in relative abundance. From a land tenure perspective this evidence suggests that people practising sedentary agriculture in St. Joseph tend to have long term interests in their crop fields than those practising cut and burn shifting cultivation in Kamena.

With the decline in mining activities in nearby towns (Kitwe and Kalulushi) to St. Joseph most people have lost their jobs. Inflation, national currency devaluation and decontrol of prices affecting essential livelihood goods and services have made town life expensive for unemployed ex-miners in the Copperbelt towns. To escape the expensive town life some ex-miners have opted to settle and start agrarian lives in the nearby rural area of St. Joseph and thereby creating more pressure and competition for land in St. Joseph. Because of its close proximity to urban areas St. Joseph has to cope with its returning migrants and other outsiders who for various reasons are not able to return to their distant villages of origin. In

contrast because of its remote location Kamena often receives only returning migrants and in a few cases outsiders from nearby villages.

Finally, because of its close proximity to urban areas people in St. Joseph are able to engage in livelihood activities (for example green market gardening or charcoal burning) that produce products that are sold in urban markets on a daily basis with relatively lower costs in transportation. This also means a regular income for households engaged in these activities and relatively more cash inflow for the village economy.

## **6.9 Summary**

This chapter introduces the case study site of St. Joseph. It has presented the characteristics and livelihood strategies of households in St. Joseph village communities. The ‘community characteristics and livelihoods’ component from the land tenure and rural livelihoods analysis checklist (section 3.8.3 of Chapter 3) is used as a guide to map out and analyse the characteristics and livelihoods of households in the study site. The focus has been on social structure, location, climate and physical features, demographics, and infrastructure and livelihood analysis. This is done in order to capture community assets and vulnerability context in which the villages exist. Similar to the situation in Kamena the vulnerability context of households at St. Joseph suggests the need for agrarian related transforming structures to enhance household livelihoods.

Theory holds that land tenure institutions and the rights to land they determine are vital in determining the livelihood strategies of the rural poor (Quan 1998). It is a starting point for analysis of how the characteristics and livelihoods of the communities influence the nature of the tenure system and how the land tenure rules and practices affect the livelihoods of households in the village communities. Thus, data in Chapter 5 and in this chapter are fundamental to understanding the next six chapters in which I explore the role of land tenure in case studies of two important land-based livelihood activities: cropping and natural resource utilisation in Kamena and St. Joseph. In the next chapter I explore the role of land tenure in rural livelihoods, specifically tenure of crop fields.

## **CHAPTER 7: TENURE OF CROP FIELDS AT KAMENA**

### **7.1 Introduction**

In Chapters 5 and 6 using the ‘community characteristics and livelihoods’ component from the land tenure and rural livelihoods analysis checklist (section 3.8.3 of Chapter 3) I have discussed characteristics of Kamena and St. Joseph with a focus on social structure, location, climate, physical features, and demographics and physical infrastructure. I have also analysed household livelihood activities with the aim of understanding the distribution of productive assets and the vulnerability context in which households create their livelihoods. In this Chapter I now set out as discussed in section 3.8.3 of Chapter 3 to make use of the ‘land tenure system and livelihoods’ component from the land tenure and rural livelihoods analysis checklist to analyse the role of land tenure in rural livelihoods, specifically tenure of crop fields.

The checklist is used to explore the links between livelihoods the land tenure system and land as a resource upon which households in the community depend for cropping as a key livelihood activity. The focus is on how arable land is accessed, acquired, used, and contested by individuals and households. I argue that social difference or inequalities based on gender, wealth and descent have an influence on an individual’s access to land. These differences influence the power and authority of individuals in households and villages with regard to access and control over crop fields. The material in this chapter is based on field research conducted in Kamena over the period from 1999 to 2002. Data was collected using participatory rural appraisal (PRA), survey questionnaire, participant observation, focus group discussions and semi-structured interview methods.

### **7.2 Land in Kamena**

For the Bemba people at Kamena, the term ‘land’ (*impanga*) means many things. It refers to the ground, rivers, trees, grasslands, forests, bush land and soils. Some people at Kamena also understand ‘land’ to mean ‘the world’ (*ichalo*). Land is also looked upon as the means of life or livelihood (*imikalile*). To whom does land in Kamena belong? The local view to this question is that no one man owns the land. Land belongs to the villagers as a group and the chief (*imfumu*), village headman (*mwine-mushi*) or village elders (*abakalamba*) represent the village communities. This is consistent with findings of other observers as discussed in section 4.5 of Chapter 4 (for example Colson 1960; White 1963

and Mvunga 1980). In Kamena, sub-Chief Binda has the responsibility of land stewardship and to ensure equitable access (*umulinganya*) to land by all his subjects for their livelihood through village headmen.

Although every village headman at Kamena carries the title *mwine-mushi* (literally means owner of the village), they do not own the village land as the title suggests. The headmen are simply the political and usually, the matrilineal family heads of the villages. The paramount chief is the political, judicial, spiritual steward and paramount custodian of all land in Bemba land. In the next section I discuss the methods that people use to acquire land and this may also give some insights on land ownership or the nature of individual rights in land.

### **7.3 Methods of acquiring land in Kamena**

In Kamena residence of an individual in a village confers rights to cultivate land and to exploit other natural resources within the village territory. Only accepted residents in the village (*abena musumba*) have the right to acquire land in the village territory. This includes men and women born in a particular village or new comers (*abeni*) accepted as village residents who have moved into the village with the permission of the chief or headman. This is true of men and women who became residents of a village as a result of getting married to legitimate residents<sup>16</sup>. By virtue of their traditional leadership status, the local chief (*imfumu*), and headmen (*bamwine-mushi*) administer and control acquisition and use of land. One of their main responsibilities is to provide information on whether existing rights are already enjoyed by an individual in a piece of land, which another wishes to acquire. In this way, the possibility of conflict between land seekers and possible landholders is reduced.

There are several ways in which villagers gain access to land. Access to land is based on the important traditional principle that all residents of the village are entitled to land for their personal or household use. This means that as far as virgin land is concerned any member of the related community can select a site for crop fields within the village territory. The headman (*mwine-mushi*), rather than anyone else, deals with strangers on land issues.

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<sup>16</sup> Note Berry's observation that '... people's ability to exercise claims to land remains closely linked to membership in social networks (1993: 104).

**Table 7.1: Methods of acquiring land in Kamena**

<b>Village and Method of acquiring land</b>	<b>Number of fields</b>	<b>% Of fields</b>
<b>Kasonde Village</b>		
First bush clearing ( <i>ukutema</i> )	26	46.4
Showing of vacant land ( <i>ukulanga</i> )	17	30.4
Gift ( <i>ubupe</i> )	6	10.7
Inheritance ( <i>ukupyana</i> )	4	7.1
Buying ( <i>ukushita</i> )	3	5.4
<b>Village total</b>	<b>56</b>	<b>100</b>
<b>Kamena Village</b>		
First bush clearing ( <i>ukutema</i> )	34	65.4
Showing of vacant land ( <i>ukulanga</i> )	11	21.2
Inheritance ( <i>ukupyana</i> )	3	5.8
Gift ( <i>ubupe</i> )	2	3.8
Buying ( <i>ukushita</i> )	2	3.8
<b>Village total</b>	<b>52</b>	<b>100</b>
<b>Chapewa Village</b>		
First bush clearing ( <i>ukutema</i> )	21	67.8
Showing of vacant land ( <i>ukulanga</i> )	8	25.8
Inheritance ( <i>ukupyana</i> )	1	3.2
Gift ( <i>ubupe</i> )	1	3.2
<b>Village total</b>	<b>31</b>	<b>100</b>
<b>Binda Village</b>		
First bush clearing ( <i>ukutema</i> )	47	44.8
Showing of vacant land ( <i>ukulanga</i> )	34	32.4
Gift ( <i>ubupe</i> )	10	9.5
Inheritance ( <i>ukupyana</i> )	8	7.6
Buying ( <i>ukushita</i> )	6	5.7
<b>Village total</b>	<b>105</b>	<b>100</b>
<b>Village Totals</b>		
First bush clearing ( <i>ukutema</i> )	128	52.4
Showing of vacant land ( <i>ukulanga</i> )	70	28.7
Gift ( <i>ubupe</i> )	19	7.8
Inheritance ( <i>ukupyana</i> )	16	6.6
Buying ( <i>ukushita</i> )	11	4.5
<b>Total</b>	<b>244</b>	<b>100</b>

Source: Fieldwork (questionnaire survey), March 2000

In a questionnaire survey, a random sample of 64 heads of households (Binda village: 29, Chapewa village: 10, Kamena village: 13 and Kasonde village: 12) was asked to indicate how they acquired the fields which they are farming. Table 7.1 shows a summary of results per village. The 64 sampled households own 244 fields. The most commonly used method

of acquiring land is first clearing of land (*ukutema*). It accounts for 52.4 per cent of the fields. The second most used method is showing of vacant land (*ukulanga*) by the sub-Chief (*imfumu*), headman (*mwine mushi*), or village elders (*abakalamba*), accounting for 28.7 per cent of the fields. This is followed by gifts (*ubupe*) 7.8 per cent, inheritance (*ukupyana*) 6.6 per cent and buying (*ukushita*) 4.5 per cent. In the sections below, the different methods of acquiring land at Kamena are discussed in more detail.

### **7.3.1 First clearing of land**

At Kamena, first clearance or direct acquisition of land is associated with the cut and burn (*chitemene*) traditional agriculture system of the Bemba people. It is not surprising that most fields (52.4%) are acquired in this way. Direct acquisition here means a villager goes out in the village territory bush and without the guidance or permission of the village headman or local chief, clears land for cultivation. This method of land acquisition is associated with the relative abundance of land in Kamena, which is well illustrated in the following account by an elderly man living at Binda village. I simply asked him to explain how people, acquired land in the past and present:

In those days suitable trees for *chitemene* gardens such as *umutondo*, *mpasa*, *umunkulungu*, *umuseshi* and *umuombo* were in plenty supply. Unlike today, a man being roughly familiar with his village territory (*impanga yamushi*) could clear virgin land for himself without first asking the chief, village headman or elders. A man could clear as much land according to his strength (*amaka*). Now the situation is different. Although we have enough land, trees big enough for *chitemene* gardens are insufficient and to avoid trouble we usually ask the headman for vacant land (Interview with Bashikulu-Mwamba, Binda Village, 17-02-2000).

It is important to note the independence of individuals in selecting the land they wished to cultivate within the village territory in the past as compared to the situation today. With the passage of time and increase in population, virgin land has become relatively scarce and direct acquisition of land is no longer that easy. In recent years, although individual villagers are free to select their own site, they are advised to make enquiries with the headman and ask for his permission before clearing and cultivating a new field in the village. It seems that as land has become relatively scarce, chiefs, headmen and village elders are assuming control of the power to allocate land within areas of their jurisdiction.

However the right of an individual to go out and clear land of his choice for cultivation has remained as long as there is no other villager who makes a claim of first clearance of virgin land. This is also in order if rights of first clearance are clearly abandoned. Herein lies the importance of Freudenbergers suggestion to examine abundance and scarcity of specific resources on the resource base as this affects access and tenure rules and practices (Freudenberger 1994).

### **7.3.2 Showing of vacant land**

As I have pointed out in section 7.3.1 historically access to land by individuals in Kamena was based on direct acquisition through cut and burn farming system (*chitemene*). Consequently, arable lands in Kamena are comprised of a haphazard patchwork of crop fields having no clear pattern in the lay out of fields and no formal method of demarcating land boundaries. Footpaths, streams, anthills and big trees are often used as general boundary marks (*imipaka*) of adjacent parcels of land.

Given this situation, it is not easy for one to locate vacant land to cultivate without the help of others. Those who are in need of new land to cultivate often approach the headmen who are familiar with the land rights of neighbouring households. The act by a village headman of identifying a vacant piece of land and the permission granted by the headman to cultivate is referred to as *ukulanga*. This according to the survey is the second most used method of acquiring land in Kamena, accounting for 28.7 per cent of the fields.

The relative scarcity of forest land with trees suitable for *chitemene* gardens, has led to the emergence of a system of vacant land banking (*ukwikatila-impanga*) by headmen and village elders (*abakalamba*). Village elders are pioneers of this practice. Having the advantage of knowing the vacant lands in the village territory, such elders simply declare some vacant land as “spoken for land” (*impanga yabene*). Pruning some branches off a few trees around a site marks the boundaries of land reserved in this way. The tree branches were then arranged in a pattern (*ukwanshika*) with their stumps pointing in the direction of the intended land clearing. A few long and slender tree branches, weeps (*amembya*) are also placed nearby as a sign of trouble for those intending to encroach on the site by cultivation. In this way, the headman and village elders control specific forest areas of the village territory.

### 7.3.3 Allocating land to strangers

In Kamena, it is generally believed that a village community that received strangers (*abeni*) generously would grow and flourish. Chief Binda explained that the prominence and prestige of a village and its *mwine-mushi* is increased with an increase in its population. Richards also notes this in her studies of the Bemba (Richards 1939). Thus, the village communities willingly receive strangers (*abeni*). Nevertheless, one can also observe that the relative abundance of land is reflected in the generosity shown to strangers. Strangers were also usually loaned a house to sleep in, while building their own. The sub-chief, headman or neighbours give from time to time gifts of food to strangers.

Attending to the land needs of strangers is one of the most important responsibilities of the *mwine-mushi* and the village elders who normally constitute the Village Production Committee (VPC). The following is an outline of the granting of land to a stranger, as explained by the headman in Kasonde village.

In most cases the stranger comes to a friend in the village and tells him of his or her intention to live and cultivate within the village. Then the friend will bring him to greet (*ukuposha*) the *mwine-mushi*. It is at that occasion that the stranger's intention to settle in the village will be put to the *mwine-mushi*. The *mwine-mushi* will of course ask for a change of village reference letter (*inkalata*)<sup>17</sup>. If the stranger has no friend within the village, he will go straight to the *mwine-mushi*, introduce himself, present *inkalata* and state his intention to settle in the village. In this case the headman will treat the stranger as his personal guest (*umweni*). The headman will provide food for the *umweni* and room for him to sleep. The headman consults *abakalamba* until they decide on a residential site for the stranger. The *mwine-mushi* and *abakalamba* also identify vacant land for the *umweni* to cultivate. However, sometimes the *mwine-mushi* makes all the decisions without consulting anyone but merely informs *abakalamba* later to show respect (*umuchinshi*). (Interview with Headman Kasonde, Kasonde Village, 5-03-2000)

Thus, in Kamena the villagers in a particular village acting through their *mwine-mushi* and *abakalamba* and not the sub-chief, who is often only informed, grant a residential site and

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<sup>17</sup> *Inkalata* is a letter of application by an individual to a headman of a particular village requesting to become an inhabitant of the village. It is provided for by the Registration and Development of Villages Act Chapter 289 of the laws of Zambia, Part II Section 5 (Republic of Zambia 1971).



field for cultivation to a stranger. In a case involving a chief's relative (*umwana-wanfumu*), the chief, village headman and village elders make the necessary consultations and arrangements. This procedure is also true in respect of important strangers such as rich men, high-ranking civil servants and politicians who chose to access land through the chief. Like any one else going to see the chief, it is mandatory to greet him (*ukutota*), and to present gifts (*ubupe*) as a way of showing respect (*umuchinshi*). During this time, they also present their request for land. However, it is important to stress that this approach is special and unusual. Normally the village territory is governed by village relationships. Villagers through the *mwine-mushi* welcome ordinary people to settle among them and through probation period accepted them as one of them. Then, the *mwine-mushi* informs the sub-chief after the grant of a residential site and arable land is made.

#### **7.3.4 Inheritance and succession**

Traditionally, succession and inheritance among the people of Kamena follow the matrilineal line of descent. In the case of *mwine-mushi*, office passes first to the dead man's brothers, next to his matrilineal nephews (*abepwa*), and then to his grandsons (*abeshikulu*). In the case of a common villager, the question of succession is also important. This was because a man's heir succeeds to his name, his guardian spirit (*umupashi*), his matrilineal social status and duties (*imilimo*). Thus, when a married man or woman dies a succession ritual is performed a few months later to complete the funeral rites. In the past, the surviving spouse of a marriage had to perform an act of ritual intercourse (*ukusamba-ichiwa* – literally, 'washing off the ghost') with the potential successor to the spouse. Nevertheless, today the custom of sexual cleansing is on the decline because of the popular Christian faith and the fear of HIV/AIDS infection.

In the past inheritance of land was not an important factor, as investments in land were minimal and of a temporal nature (Richards 1939). However, today in case of death of a wealthy person (*abakankala*) there are questions raised as to who should inherit the brick house, fish pond, or permanent crop fields (*ifamu*). The holding of rights in land is now regarded as one of the inheritable responsibilities. Thus, the deceased's crop fields revert to his matrilineal family, who through the institution of inheritance (*ukupyana*) decides on an heir. Distribution of the estate is left open to the interpretation of the matrilineal elders (*abakalamba*) present at the meeting. This decision also often includes wife inheritance. According to custom, a man who inherits deceased's wife (*mukanfwilwa*) also takes over

being a father to the deceased's children, and being a son to the deceased's mother and father if they are still alive. Land use rights are only left to lapse only if an interested relative can not be found. People are rarely interested in inheriting *chitemene* gardens because of their relatively short life.

However, inheritance of well-developed land is not straightforward and is nowadays often an arena of struggle. It seems that traditional rules of succession are under pressure to change in favour of the nuclear family. Disputes are common because members of the immediate family often challenge traditional matrilineal rules of inheritance with the argument that they have invested labour (*amaka*) or money on the household farm and have a right to profit from it. It is now not unusual for a man's house and crop fields to be inherited by his own children rather than his matrilineal relatives. It must be noted however that only 6.6 percent of the fields sampled were subject to inheritance. The limited operation of inheritance of crop fields in Kamena can be attributed to the limited life of *chitemene* fields.

### **7.3.5 Gifts of land**

Land rights established or acquired by individuals through allocation, clearance of virgin land or inheritance can be transferred by their owners. One of the ways in which an individual can transfer their land is by way of gift (*ubupe*). This involves transfer of land rights by an individual to another without receiving any payment. Such transfers are usually between relatives (*ulupwa*), friends and in-laws living in the same village. The consideration in this case is mere goodwill between the person giving the gift of land and the recipient.

It is common for some one who is leaving a village for reasons related to witchcraft (*ubuloshi*), quarrels or death of a spouse to give their land away to friends or relatives living within the village. Gifts of land are also given to widows and widowers (*mukanfwilwa*) returning to their matrilineal village. This is also done for the very old people (*abakote*) in the villages that are not able to hoe for themselves. Their hopeless situation with regard to labour is obvious. Thus, a son or any male relative can cut a *chitemene* garden and make a gift to an old couple. Alternatively, he can assign them a field of his own.

Some farmers also make gifts of land to their children to avoid traditional matrilineal rules of inheritance. In this way his matrilineal relatives recognise and respect the land use rights of his children because they are seen to invest labour through years of cultivation. As a way of assistance, relatives also make gifts of land to returnees (*amachona*). To this end, gifts of land are a form of social security especially to returnees after a long absence from the village, to widows and to those people who have reached old age. However, because of the abundance of land in Kamena, gifts of land are of limited occurrence. Table 7.1 shows that only 19 out of total 244 fields or 7.8 per cent of the fields in the 4 case study villages sampled were transacted as gifts.

### **7.3.6 Buying of Land**

There are mixed feelings about sale of land in Kamena. People within the village communities have different conceptions not only of 'land', but also of man's relationship to land and the role of land in the community. There is the traditionalist view, which sees land as part of the social relationships between people in a village community. This school of thought amongst the majority of people in Kamena believes that land belongs corporately to the village community. The traditionalist view recognises that an individual has rights to land but these rights co-exist with those of the village community. For example, an individual has various rights on a residential site or crop field. However, an individual's rights are exercised with the consent and support of the village community under the leadership of the *mwine-mushi* or Chief (*imfumu*).

Thus, according to this view the individual's rights over land he is hoeing are subject to the overriding rights of the village community, which owns the land as a corporate group. Because of this reason, there are limitations on the individual's right to dispose of the land. He can not sell the land or dispose of it outside the village community. People speak with passion in favour of the custom that 'forbids' sale of land. An old man at Kamena village commented:

In the past, sales of land were unheard of at Kamena. No person (*umuntu*) had a right (*isambu*) to claim exclusive rights over any piece of land in the village territory and put it to sale. Land is a natural gift from God (*Lesa*), given to man for his livelihood (*imikalile*). Nowadays people love money so much that they can even sell land (*impanga*)! (Interview with Bashikulu-Chewe, Kamena Village, 7-03-2000)

It is a matter of fact that sales of land are taking place at a small scale. Table 7.1 shows that out of a total of 244 fields, 11 fields or 4.5 per cent are subject to sale transactions. It must be noted that White amongst the Tonga (White 1963: 367) also observed the sale of land in customary lands of Zambia (see section 4.5, Chapter 4). Thus, custom is one thing to talk about but some people's practices under economic pressure contradict custom. There is a view by some people in Kamena, which holds that land is a part of the social and economic relationships between people in a village community. This view was unanimous in a focus group discussion with maize cash croppers. To these people land is both a social and economic asset and an important factor of production in the community. This view also recognises that the village community owns land corporately. However, an individual can acquire individual land rights from the village community with labour (*amaka*) and material investment on a piece of land. The village community is thus obliged not only to recognise such labour (*amaka*) and material investment but also the right of an individual to put up for sale his investment of labour and materials on land. This view is consistent with Mvunga's observation that customary land itself is not sold, but developments on it can be sold and that economic pressure due to scarcity of land will in future lead to sales of bare land (Mvunga 1982: 40-42).

The few sales of arable land in Kamena are usually in respect of hybrid cash crop maize fields. Hybrid maize cash cropping in Kamena has lengthened the time which, a man retains claim on arable land. In addition, as revealed by livelihood analysis in Chapter 5 most hybrid maize fields are owned by wealthy (*abakankala*) households and are located adjacent to developed residential sites. The value of such land is becoming apparent and is sometimes, expressed in sales. When a man buys a house, the practice is that he acquires the right to hoe the nearby land. It is important to note that there are limitations on the right of an individual to sell land. A sale of land to an outsider is not only difficult but cannot be recognised in Kamena.

At the time of fieldwork, a case had just been settled by the sub-chief in favour of the villagers against their headman who had been accused of 'selling' bare land to a 'stranger'. The headman denied the charge of selling land but admitted that money was paid to him as a gift. The headman pointed out that the newcomer was a pensioner who needed land for maize cash cropping. He argued that people who objected to the grant of land were 'lazy

men' (*amatonsha*) who had left the land in fallow for too long. Although the *mwine-mushi* did not admit the charge, the chief admonished him because he had received money, which the villagers mistook for a payment for land allocation. He also levied the *mwine-mushi* a goat as punishment. The 'stranger' who was alleged to have bought the land was allowed to keep it as long as he cultivated the land and lived within the village.

The practice of house and land buying is common among newcomers (*abeni*) to the village especially the rich ones (*abakankala*). To settle quickly wealthy newcomers find it relatively easier to buy a house and land from local landholders. During the initial period of settlement, it is also normal for wealthy newcomers to buy gardens with standing crop such as cassava or groundnuts for their subsistence. The vendors of such property are usually those wishing to move away from the village for different reasons including suspicion of witchcraft or running away from persistent quarrelling (*ukumana*) with neighbours.

In sum, evidence in Kamena suggests that the short life of *chitemene* gardens seems to prevent them from acquiring a value, which might find expression in a sale. However, land with developments on it such as a house, clearing and stumping for maize cash cropping or standing crop has acquired an exchange value. This very small market in land appears to be convenient for rich newcomers who became accepted residents of the local community and wish to settle down quickly. However, evidence also suggests a strong case against sale of 'bare land' and sale of land to outsiders.

### **7.3.7 Loans and leasing of land**

In Kamena, a person who has acquired rights over a residential site or arable land can temporarily transfer these rights to another person in the village community. This is done by way of a loan (*ukwashimisha*). In this land transaction, it is made very clear that the owner of the land is not making an outright transfer of his land rights. He simply gives permission to another person to use his land until he requires it back. The condition for the loan is goodwill and reciprocity and not money. Given this understanding it is not always necessary to stipulate the period of the loan. Traditionally sufficient notice is required to allow the person who has been loaned the land to harvest his crop or make alternative accommodation arrangements in the case of a residential site. In a situation of land abundance, why do people borrow land at all? Generally, land loans in Kamena are rare

and it is evident in Table 7.1 that it was not captured in the questionnaire survey. However although it is rare there is always a need for temporary use of land or a house especially by newcomers. Before a newcomer settles down, he may be loaned a house and an old garden (*ichifwani*) already cleared by a friend or relative to hoe for a season or two.

Concerning leasing of land during the season of the caterpillars (*ifishimu*), November to December, Kamena villages play host to businessmen and women from the urban areas. They come to buy caterpillars in bulk from the locals. Accommodation is in demand and the village community responds by leasing out some huts. The lease is in form of a verbal agreement (*ukunfwana*) between the hut owner and the outsider to pay in kind (*amakabu*), usually salt, sugar, soap, and cloth or cash for the period of stay.

There is also the unique case of the American Peace Corp fish-farming expert resident at Kasonde village. The house in which the fish-farming expert stayed belongs to a local man who has leased it out and payment is in kind in the form of house improvements. From these observations, it seems that lending of a house on an individual's residential site to an outsider based on reciprocity has developed into leasing for a payment. This perhaps is an indicator that in future with the increase in population and scarcity of land, leasing of arable land might become a possibility.

#### **7.4 Tenure of crop fields**

In Chapter 5, the study revealed that the livelihood sources for each household were diverse. However cropping was found to be a basic livelihood strategy for almost all the households in the village communities for subsistence and in some cases for the market. For households engaged in both subsistence and cash cropping there are land tenure rules and institutions that mediate access and control over land for cropping purposes. In the next section I explore the role of marriage on the way land is accessed, controlled and owned within households. In particular I explore tenure of traditional crop fields under *chitemene* or *fundikila* cultivation systems in virilocal and uxorilocal marriage.

### 7.4.1 Tenure of traditional crop fields in marriage

The primary division of labour in Kamena is based on gender<sup>18</sup>. It is clear that men and women need each other's labour, and they access it mainly through marriage. Married men in Kamena can either settle virilocally that is in their mothers' village or uxorilocally in their wife's natal village. The question is what are the land tenure rights of spouses in these types of marriage?

#### (i) Tenure of crop fields in uxorilocal marriage

In Kamena marriages are commonly uxorilocal for the initial part of the marriage. Upon marriage a husband moves to live at his wife's village and assumes the status of *lumbwe*. This title identifies a man who gains membership of a village through marriage. In this case, all his relatives by marriage (*babukwe*) living in the village are his hosts. A *lumbwe* enjoys legitimate residence in the village, and by implication, also enjoys the right to the use of available arable land, a residential site and collection of natural resources in the village territory.

However the *lumbwe* then acquires only conditional rights over arable land and the residential site for the duration of the uxorilocal marriage. In case of a marriage breaking up, the *lumbwe* is only entitled to a share of the crop but has to surrender the land to his wife and children. If his wife dies, a *lumbwe* could only keep land if he marries a relative of his late spouse. Because of this impermanent nature of their land rights while living uxorilocally, most young men choose to marry and take their wives to their matrilineal village. It is also uncommon for a *lumbwe* to build a permanent house, because he considered himself a visitor who may have to go back to his mother's village at any time. The story of Mushimpo highlights the land tenure uncertainties or temporally land rights of a *lumbwe*:

#### **Mushimpo**

In 1980 at age 22, Mushimpo married a woman of Kasonde village. He left his village Binda to live with his wife at her village. The headman allocated him a residential site and his father-in-law allocated him a site for a *chitemene* garden. In 1989, Mushimpo began to have problems with expanding his *chitemene* gardens. Owners of neighbouring *chitemene* gardens could not agree well

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<sup>18</sup> See also Crehan (1997: 143-151) for a detailed account of economic location of men and women in relation to production in North Western Zambia.

on boundaries with him. One of them in particular told him that he was rather ambitious for a *lumbwe*! In 1992 Mushimpo gave up his residential site and *chitemene* fields and went back to Binda village with his wife, and began developing a new residential site. At the time of the interview in March 2002 Mushimpo was 46 and in the wealth and well-being ranking he was ranked wealthy (*abakankala*). His holding consisted of three *chitemene* gardens and a three - hectare maize cash crop field. He attributed his success with regard to acquiring land and re-establishing his household to the co-operation of his matrilineal relatives. (Interview with Mushimpo, Binda Village, 12-05-2000)

In some cases, however, uxori-local marriage has lasted for many years. Through the years, a man slowly identifies himself with the interests of the in-laws (*babukwe*). This is common in cases where the man's sons grow up, are married and settle in the same village. In this case, a man's land rights are secured through his sons. A typical example is the story of Bashikulu-Kangwa:

### **Bashikulu-Kangwa**

In 1996 when Bashikulu-Kangwa's wife died, all his four sons and three daughters were already married. His four sons had residential sites in the same village Chapewa, but all his daughters were settled at their husband's villages. When his wife died Bashikulu-Kangwa intimated that he was too old to inherit a wife. No one raised the question of going back to his village because his sons were adults and married and settled at Chapewa village. At the time of the interview Bashikulu-Kangwa was 68 and two of his grand sons were living with him on his residential site. (Interview with Bashikulu-Kangwa, Chapewa Village, 16-10-2000)

#### *(ii) Tenure of crop fields in virilocal marriage*

In most cases, a man insists on virilocal marriage and he takes his wife to his mother's village. A woman in such a situation only has the use of the husband's land at his pleasure. In case of divorce or the husband's death, a woman usually goes back to her mother's village. While the husband is alive he clears land and allocates it to a wife; however, upon his death it becomes clear that she acquired no rights of her own in her husband's land. If a widow (*mukamfwilwa*) elects to continue living in the village of her late husband, she is normally allowed to continue using land, which belonged to her late husband. This is only if she has children with him or she gets married to one of her late husband's relatives (*ubupyani*).



If a widow chooses to get married to another man who is outside the family of her late husband, then she has to forfeit her late husband's house and fields. Many women choose to go back to their natal village, especially if they do not like the relatives of the late husband. In their natal village, matrilineal relatives would initially support them with shelter and food. The following story of Bana-Chanda is a good example of a woman in such a situation.

### **Bana-Chanda**

Bana-Chanda is a widow aged 36. She has four children and like many other widows (*bananfwilwa*), she is ranked poor (*abalanda*). She had lived with her husband at his mother's village Binda for almost twelve years. Her household was prosperous having a brick house and a two-hectare maize field. Her husband also had cultivated for her two millet fields and three cassava fields. Bana-Chanda's husband died of malaria in 1998. Before the succession ritual (*ukusamba-ichiwa*), elders from her husband's relatives asked her if she was willing to be inherited (*ukupyanwa*). She refused to be inherited and elected to go back to her mother's village. She sold her standing crop in all the fields but was not able to reach an agreement with her husband's relatives as to what should happen to the brick house. Although she found a buyer for the house, her in-laws argued that the residential site was not for sale and that she had no say on the brick house because she had chosen to leave the village. Bana-Chanda is bitter because she has lost the brick house and now she lives in a mud hut built for her by her brother. She also no longer has the benefit of her five crop fields previously hoed for her by her late husband. Nevertheless, she has two fields given (*ubupe*) to her by her brother and uncle. (Interview with Bana-Chanda, Chapewa Village, 9-01-2001)

There is no doubt that the institution of virilocal marriage is not an incentive for sustainable livelihoods for women in Kamena, because it disadvantages them in case of divorce or death of husband. They often lose their most important resource of food – crop fields. However, it is not only death of a spouse that puts women in an awkward position with respect to land tenure. For the people in Kamena, one of the most important reasons for marriage is to have children. A married woman acquires value and respect through bearing children. After her first child the prefix "mother of" (*bana*) is used to address her. A woman who can not bear children (*ig'umba*) is looked upon as bad luck to the husband and his relatives. If a couple can not have children, the woman is blamed first. The man is only blamed if he can not have children with his second wife. Although matrilineal relatives are sympathetic, they too are uncomfortable with *ig'umba* because a child belongs

to its mother's people. Mwila's story shades light on the social seclusion and land tenure uncertainty of *ig'umba* in Kamena.

### **Mwila**

Mwila first got married at age 18 in 1992 to Chanda of Kamena village. Despite taking herbs (*umuti*) prescribed by the medicine man (*ig'anga*) for three years she was not able to have a child. Her in-laws labelled her *ig'umba* and she moved with shame (*isoni*). The sharp tongues of her in-laws made her to quickly settle for divorce in 1997 and to go back to her mother's village. She gave up her *chitemene* and *fundikila* gardens and left. In 1999 she got married to Mulenga, a widower with two children. He cut two *chitemene* fields and prepared one *fundikila* garden for her. Unfortunately, Mulenga died just after two years of marriage. It is rumoured that he had died from the slimming sickness (*ubulwele bwakondoloka*) which people related to HIV/AIDS. Mwila would have loved to be inherited as a second wife but her *igumba* status and her suspected HIV/AIDS status did not help much. None of the men that were related to her late husband was willing to inherit her as a wife. In 2001, Mwila gave up her *chitemene* and *fundikile* gardens and went back to her mother's village again. Mwila is 28 and is living in her brother's household. She is fed up with marriage and has made the difficult decision to stay single (*ubushimbe*). (Interview with Mwila, Kasonde Village, 18-10-2000)

In Kamena both men and women are disadvantaged with regard to ownership of land when they live in their in-laws village (*kubuko*). Their rights to land are only secure while the spouse is alive. The trend is that men often decide to live in their mother's village where they enjoy the respect of their matrilineal relatives and their land rights are guaranteed. Women however have very little choice but to go with their husbands and cultivate land at the pleasure of their husband's matrilineal relatives and live with the insecurity of future loss of crop fields.

### *(iii) Tenure of crop fields in polygamous marriage*

In Chapter 5 I observed that subsistence-farming household who form the majority of poor households (*abalanda/ ababusu*) largely depend on the traditional *chitemene* and *fundikila* cropping systems. In these cropping system, the roles of a man and his wife are complementary, and sometimes gender-specific. Men have specific duties towards their wives and household. First a man has to acquire a vacant *chitemene* site in the village. This is relatively easier for a man who has stayed long in a village, has many friends, shows respect (*umuchinshi*) to elders and the headman. Second a man has to cut the branches of

trees on the *chitemene* site selected. These two tasks are considered exclusively men's work (*imilimo yabaume*) and are associated to manhood (*ubwaume*). After finishing the cutting for a *chitemene* a man specifically allocates it to his wife or one of his wives if he is a polygamous man (*uwampali*).

The institution of polygamy (*impali*) has social economic and land-tenure implications for a man and his household. In respect to land tenure an important point to note is that in a polygamous household, each wife is entitled to her own crop fields. There is no community of property in land and crop between the wives of a man. Each wife works with her children and dependants, harvests and stores the food separately in her granary (*ubutala*). Thus, a man is under obligation to cut a *chitemene* field and hoe *fundikila* crop fields for each wife starting with the senior wife.

A woman's initial investment in a *chitemene* is in the form of collecting and piling (*ukukula*) of the cut tree branches. After this, with the help of her husband the *chitemene* is burnt. Some men also help their wives with planting of the staple cassava and sowing of the staple grain millet. Some men do not because they regard planting and sowing as tasks for women. In particular, weeding and harvesting of crop from the *chitemene* are regarded as women's work. Nevertheless traditionally the woman who has collected and piled the cut branches (*ukukula*) manages the *chitemene* garden and its products. In particular she manages and controls the use of all crops on the *chitemene* for her household. The implication of the *chitemene* crop rotation sequence is that a woman has several *chitemene* gardens (*ififwani*) of different crop fields in different locations of the village territory to manage for her household. In respect to ownership of these fields I enquired of Bana-Chewe of Binda village; to whom the *chitemene* or *fundikila* gardens belonged. She answered:

My husband cuts the *chitemene* garden for me. He also works on the *fundikila* garden to assist me to cultivate the millet to feed the household in the coming year. After he cuts the *chitemene*, it is my responsibility (*inchito yandi*) to take over and manage the crop. The millet is stored in my granary. The *chitemene* and *fundikila* gardens are mine (*yandi*) unless he cuts for himself or someone else. (Interview with Bana-Chewe, Binda Village, 19-10-2000)

The impression given by this answer is that the crop fields belong to a wife. However, the reality is that while both spouses are alive they share a community of ownership of crop fields. In case of divorce or death of a spouse ownership of crop fields of the surviving spouse is subject to traditional rules and practices of virilocal or uxori-local marriage as discussed earlier in this section. Allocation of *chitemene* and *fundikila* crop fields amongst wives is a sensitive issue for polygamous men. Inequitable allocation of *chitemene* or *fundikila* crop fields can provoke jealousies (*ubufuba*), anger and witchcraft (*ubuloshi*) as a social sanction from unfairly treated wives. To avoid quarrels amongst wives, polygamous men prefer to live uxori-locally. In this way wives live at separate residential sites in their mothers' villages which makes polygamous men members of all the villages in which their wives live. This arrangement is advantageous to women because of women's relative strong land rights within their natal village. In case of divorce or death of a husband the woman keeps the crop fields.

In Kamena traditionally it is shameful (*umusebanya*) for a man to interfere with a wife's management of millet from her granary. Thus, after a man cuts for his wife or wives he also usually cut a *chitemene* garden or prepares a *fundikila* garden and reserves it especially for his own use. I asked Bashi-Chanda at Chapewa village what impelled men to reserve a *chitemene* garden for their exclusive use.

As *chibinda-wag'anda* it is important for a man to have at his disposal a discretionary stock of food or cash to sort out pressing needs of the household and extended family (*ulupwa*) without much debate with his wife. Misunderstanding over a woman's granary can bring much shame to a man! (Interview with Bashi-Chanda, Chapewa Village, 25-09-2000)

In sum, men and women need each other's labour to open up land and cultivate the staple crop. Some cropping tasks on crop fields are gender specific and the institution of marriage is important (*ichupo*) as it mediates access to men's or women's labour to undertake specific cropping tasks. However, in polygamous marriage (*impali*) wives of the same man do not have a community of property in crop fields except with the husband. Under this arrangement a man's primary role is to find the sites cut and hoe the *chitemene* or *fundikila* fields while the wife or wives have the traditional responsibility to manage the household crop fields, the granary and to feed the husband, and the rest of the household.

#### 7.4.2 Tenure of permanent and cash crop fields

The permanent fields are generally on or very close to a household's residential site. For subsistence farmers these are usually small, and are often planted with sweet potatoes, or beans, and inter-cropped with maize, pumpkins and vegetables used as relish to the staple meal *nshima*. These crop fields are usually cultivated, managed and controlled by women. Men are hardly interested in these gardens because they are planted with women's crops to be used for household consumption. However this is not to say that men are completely uninterested, as they some times help with hoeing.

Maize cash crop farmers largely depend on permanent fields for cultivating their crop. These fields are usually clearly defined within the village territory and are often located within the vicinity of farm residential sites on which the wealthy owners (*abakankala*) live. In Kamena the term *ifamu* is used to differentiate the production of maize for sale from subsistence crop production. As observed in Chapter 5 maize crop production is market oriented, and enjoys government support, which includes the supply and loan of inputs such as fertiliser, seed, and storage sacks. The harvested maize is also bought and collected by a state agency (the Food Reserve Agency).

In section 7.4.1 I have shown how traditionally the growing of millet under *chitemene* and *fundikila* cultivation systems are to a large extent associated with management by women. In contrast the cultivation of hybrid maize on permanent fields is seen as a men's undertaking. It is also important here to point out that from a financial point not all men are able to take part in maize cash cropping. Men who are ranked as wealthy (*abakankala*) in the wealth and well being ranking dominated maize cash cropping. Inputs are accessed through membership of Kamena Farmers Group (KFG). Men from poor households (*abalanda/ ababusu*) can not afford membership fees and cash deposits required before loans are given out<sup>19</sup>.

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<sup>19</sup> The problem of cash deposits before loans are given out should be viewed from a historical context. In the 1970s and 1980s the screening of applicants for agricultural loans for people living in rural areas was not stringent. The only serious requirement was that the applicant be actively engaged in farming. Loan recovery rate was as low as 46% and consequently by 1985, the Government owned parastatal company (the Agricultural Finance Company) was effectively bankrupt (Mbulo 1990: 381-406).

Maize cash cropping is labour intensive and usually household labour is not sufficient to undertake all the tasks on the fields; thus, piecework labour is employed to supplement the efforts of the household. Men and women especially from poor households (*abalanda/ ababusu*) spend a lot of time hoeing for prosperous maize farmers. At household level the head of household uses his authority to divide his maize fields in plots which he assigns to his wife or wives, and dependants to cultivate, plant, weed, and apply fertiliser and later to harvest. For the women this work is time consuming and competes with work on subsistence *chitemene* and *fundikila* fields. After harvesting all members of the household are often involved with shelling, bagging, transportation (head loading), and storage of the maize.

From a tenure view, it is important however to understand that the division of a hybrid maize field into plots and their assignment to different wives, and dependants is not meant as a division of property. It is rather a division of labour and management rather than of property. Despite the labour investment of other household members, men in the name of 'head of household' (*chibinda-wag'anda*) often claim ownership of commercially farmed land and crop. I asked Bashi-Kabwe a prominent maize cash crop farmer in Kamena village why men claim ownership and dominate the sharing of surplus from the sales of the maize crop. He answered me by asking the following questions:

Is it not the man who gets the loan for seed, and fertiliser? Is he not the one who organises labour for the clearing and stumping of the maize field? Just as the growing of millet and feeding of the household is a woman's responsibility; the growing of maize for cash is a man's job. Is the man not the head of a household (*chibinda-wag'anda*)? My wife and all that live in my household will assist but it is my crop field (*li-famu lyandi*). (Interview with Bashi-Kabwe, Kamena Village, 12-09-2000)

In other words by virtue of his status as head of household (*chibinda-wag'anda*) a man expects his wife and all household members to support him with their labour on the maize cash crop field. As argued by Bashi-Kabwe above, men's de facto control over maize cash cropping is reinforced by the fact that first they mobilise the labour for land preparation and second they secure the loan for crop inputs. This confirms that a woman's pre-eminence in cultivation and harvesting on cash crop fields is not complemented by ownership of resources, by control over resources, or by decision making capabilities. All

these firmly remain under men (Ellis 2000: 147). Thirdly women are often busy with domestic work and with *chitemene* and *fundikila* fields to produce food for the household. Bana-Kabwe, the wife of Bashi-Kabwe put it this way:

I cannot abandon my work on the cut and burn (*chitemene/ ififwani*) fields to grow my own maize for sale. Who will grow the millet, cassava and vegetables for us to eat during the year? I also have other things to do during the morning and the evening as well. I fetch water, wood and I have to cook. On many occasions my husband also asks me to work on his maize fields. Maize cash cropping is a man's job (*amafamu ninchito yabaume*). (Interview with Bana-Kabwe, Kamena Village, 15-09-2000)

**Table 7.2: Structure of crop fields holdings in Kamena**

<b>Holding type</b>	<b>No. of households</b>	<b>%</b>
<b>Scattered:</b> residential site, and <i>chitemene</i>	14	21.9
<b>Scattered:</b> residential site, <i>chitemene</i> and <i>fundikila</i>	27	42.2
<b>Scattered:</b> residential site, and <i>fundikila</i>	12	18.8
<b>Farm block:</b> residential site, <i>chitemene</i> , <i>fundikila</i> and permanent maize fields ( <i>amafamu</i> )	4	6.2
<b>Farm block:</b> residential site, <i>fundikila</i> and permanent maize fields ( <i>amafamu</i> )	7	10.9
<b>Total</b>	<b>64</b>	<b>100</b>

Source: Questionnaire survey, March 2000

There is no doubt that patriarchy within the social structure in Kamena has influenced men's *de facto* tenure of cash crop fields and control over the profits. It is however important to point out that a man's ownership of a maize cash crop field carries with it obligations to his household members who take part in the cultivation of the crop. Members of the household do not expect payment when farming is done for subsistence purposes on *chitemene* and *fundikila* fields. In the case of a maize cash crop, however, there are silent expectations of returns by household members. Children expect schoolbooks and uniforms to be bought for them after the harvest. Dependants also expect some material assistance, clothing or some times cash. These intra-household relationships are varied. However, a wife's work on the husband's maize crop field is often treated as a marriage obligation. She is therefore not directly paid for her labour, but a husband is of

course under obligation to buy clothes for his wife and meet some of her cash requirements.

It is important at this stage to observe that in Kamena it is often the case that one household embraces more than one crop field holding system. Table 7.2 shows the structure of crop field holdings. In order to meet their annual food and cash requirements, some households are engaged in both subsistence and cash cropping, combining *chitemene*, *fundikila* and permanent fields cropping systems with their attendant tenure characteristics.

### **7.4.3 Land tenure, witchcraft and social tension**

Because of witchcraft (*ubuloshi*), family quarrels or social tension people in Kamena move from one village to another or change residential sites within the same village. Whenever there is a death or persistent ailment in a household, accusations of witchcraft (*ukutunga-ubuloshi*) abound. Witches are credited with supernatural powers (*ubwanga*). I was told by Bashi-Chanda of Chapewa village that

Witches may use their powers for good or bad - for healing the sick, good harvest, and creating wealth or causing mysterious deaths in the village community. Witches in a village community create enemies with people who are productive and eventually became prosperous. They simply hate to see somebody become successful especially owning several *chitemene* and *fundikila* fields or *ifamu*. A good *mwine-mushi* does not allow a witch to live in the village. (Interview with Bashi-Chanda, Chapewa Village, 16-05-2000)

Under traditional land tenure rules land use rights of an individual are forfeited when the individual is driven out for practising witchcraft. Thus, in the past, suspected witches were simply expelled from the village or chiefdom by a headman (*mwine-mushi*) or chief (*imfumu*). In the modern Zambian state, section 3 of the Witchcraft Act makes it illegal to name, indicate, accuse or threaten to accuse any person of being a wizard or witch (Republic of Zambia, 1994a). Section 12 of the same Act also provides for a penalty on a headman *mwine-mushi* that encourages the naming or accusation of a person of being a witch (*indoshi*). It is difficult for a *mwine-mushi* to expel a suspected witch without breaking the law. Thus, in most cases, the cure for confirmed neighbourly witchcraft by a



diviner (*ing'anga*) is for the aggrieved household to move because witchcraft is believed to be ineffective at a distance. For some men however it is difficult to leave their matrilineal village, which is their primary home. Thus, in case of social tension or suspected neighbourly witchcraft they rather simply relocate their residential site to another part of the village and continued to farm the same fields.

The movements by households in fear of witchcraft, quarrels or social tension, do have an influence on land tenure. The moves especially between villages require taking up of new land for residential and agricultural purposes<sup>20</sup>. Witchcraft and social tension related movements are often the cause for misunderstandings and disputes over land, which is thought to be abandoned. According to tradition when an individual establishes rights over a piece of land, the village community respects them until they are abandoned. The problem is that there is no clear traditional act of land abandonment. It is therefore difficult for all to be sure, as to whether or not land rights, which were previously established, have been abandoned. Consequently, headmen and village elders always have to ascertain that an owner of the prior rights has abandoned them before making a grant of land. This is necessary to preserve established land use rights, and to prevent land disputes.

Some men who move their households out of their villages some times come back to reclaim their land. If an individual moves and leaves the house standing on the residential site without selling or making a gift of it then it implies that, the individual has intentions to return within a short period. As long as the individual returns before the house falls into disrepair, the villagers will respect the individual's claim to that residential site. Concerning arable land, sub-chief Binda's opinion is that an individual's rights over a field are only valid for as long as the cultivated land continues to be used in subsequent years. He argues that if an individual is absent from the village and the individual's fields are not cultivated for about four successive years a headman is in order to assume that such land has been abandoned. Sub-chief Binda is of the opinion that old claims simply cause hardships for new owners who usually have worked hard to develop the land.

Other people do not quite agree with the period of four years stated by Chief Binda, which they think, is rather short. Most people are nevertheless, in agreement with the sentiment

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<sup>20</sup> Similar observations made by Wilson (1938: 31) amongst the Nyakyusa of Southwest Tanzania and by Peters (2002) in Southern Malawi.

that a man should not keep land idle for too long. The story of Mwamba of Chapewa village is an example of limitations on a man's claim to possession of old crop fields because they were left in fallow for too long after a lengthy absence.

### **Mwamba**

Mwamba left Binda village in 1990 when his brother who was living on the Copperbelt found him a job in the mines. His young brother Bwalya promised to maintain his crop fields. However, Bwalya died in 1994. Meanwhile Mwamba's fields remained idle because after his brother's death he had not arranged with other relatives to maintain his fields. In 1998 the headman thinking Mwamba had gone for good allocated his overgrown fields to newcomers. However, his house made of burnt brick was still standing on his residential site. In the year 2000, Mwamba lost his job and came back to his home village. Upon his arrival, Mwamba took possession of his residential site and went to the headman to reclaim his old fields. The headman explained to him that it was proper for him to reclaim his residential site because his house was still standing. However he argued that Mwamba forfeited his crop fields because he had left the village for too long leaving the land idle without saying a word. That he said was an act of abandonment. (Interview with Mwamba, Chapewa Village, 18-09-2000)

When an individual moves from a home village, the relatives (*ulupwa*), if they expect the individual to return, keep crop fields from being overgrown by hoeing them and planting crop every other crop season. As an example of maintaining land use rights of crop fields for an individual who is expected to return the story of Chilufya, a Kamena man is cited as his brother Chanda told it to me.

Chilufya moved from his home village Binda to go and live at his wife's natal village at Kamena because he suspected neighbourly witchcraft (*ubuloshi*). He could not understand why during every harvest time he got ill and could not work in his crop fields. He was convinced that a jealous relative bewitched him. He moved to his wife's village Kamena. After two years, Chilufya decided to come back because he missed his home village, and did not like living the life of a *lumbwe* (guest of in-laws) at his wife's natal village. He did not take possession of his old residential site and instead he built on another site. His brothers had continued to maintain his crop fields because they had hoped he would return. He continued to hoe his old crop fields and gave up all the gardens and residential site at his wife's village. (Interview with Chanda, Binda Village, 7-08-2000)

In theory, a villager who clears virgin land within the village owns it until he personally gives it up. However, as I have shown above this is not true any more. The practice is that a *mwine-mushi* might allocate land left in fallow for too long by an absentee landowner to another user. With growing scarcity of land, indications are that farming systems may evolve that require every one in the village territories to cultivate only permanent fields and regularly. This is especially if livelihoods of households are not diversified from agriculture.

#### **7.4.4 Conversion of tenure**

It is important to recognise that rural communities are not only affected by land tenure rules, which they make, but they are also affected by rules made from the outside. The tenure rules made from outside the village communities do have an impact on livelihood strategies adopted by villagers (Quan 1998). They may also reinforce or erode social patterns (Freudenberger 1994). In Kamena the 1995 Land Act has implications for land holding and resource use within the village territories.

I have shown in the previous sections that the underlying principle of the customary tenure system in Kamena is that land is held in common ownership by the village community. Thus, land is transferable following family or community traits and is not sold outside the village community. However, the current land law (The Lands Act No. 29 of 1995) not only recognise the title of persons holding land under customary tenure but also provides for conversion of customary use and occupation rights into statutory lease hold of 14 and 99 years (Republic of Zambia 1995). The current government views the conversion of tenure provision in the law, firstly as a means to provide greater security of tenure to customary land users, and secondly as a means to encourage investment in agriculture production (MMD 1991). By this provision, customary land is now eligible for individualisation and state registration. Thus, the law allows a mixed form of tenure (statutory leasehold and customary tenure) to operate in customary areas.

The procedure for conversion of tenure is left to the initiative of the customary landholder. However, many people I spoke to in Kamena do not have a clear understanding of the application procedures for conversion of tenure. The majority of villagers are not even aware of the Land Act of 1995 or the 1985 Administrative Circular that still regulates land

alienation in former Reserves and Trust Lands - now Customary Land (Republic of Zambia 1985a). Many do not even understand why conversion of tenure should be done at all. Considering the level of education of common villagers at Kamena the conversion procedure is too bureaucratic, complicated and pro-elite. There are several authorities to be consulted in distant locations from the applicant's village. Application forms to be completed are in English, a language, which very few people at Kamena can read or write competently. The checking and approval of documentation by different traditional and government authorities makes the system complicated, time consuming and expensive. Thus, for the poor (*abalanda*) of Kamena, conversion of tenure is an arena for the rich (*abakankala*). One man said to me

I'm a poor man, what shall I take to the chief? I cannot go empty handed! No one will listen to me. Any way what do I want a registered farm for? Farms (*amafamu*) are not for poor people like me; they are for rich people who grow maize for sale (*Bashimafamu*). I only want land to cut a *chitemene* to grow millet and cassava. (Interview with Sulako, Kasonde Village, 20-08-2000)

Conversion of tenure in Kamena is an exception and is often undertaken only by the few who are relatively well educated and wealthy (*abakankala*) – the elite. These people are usually returning migrants and are aware of the advantages of conversion of tenure for individuals. As I pointed out in section 7.3.3 of this chapter returning migrants or other outsiders (*abeni*) do not normally have problems with chiefs (*infumu*) or headmen (*mwine-mushi*) in acquiring land within villages. Strategically they prefer to be allocated land away from the village cluster of households. After land is allocated in the traditional way these individuals establish their rights in land through construction of houses and cultivation. Then later they make claim on surrounding land and apply to the chief with the support of the village headman (*mwine-mushi*) for consent to convert tenure so that they can be granted statutory title deeds to the land. With the money and influence they possess wealthy and educated individuals have little difficulty in persuading chiefs or village headmen to support their application for conversion of tenure. In this way wealthy individuals are able to use chiefs and headmen to gain access to and to convert customary tenure of large tracts of village land and to natural resources to individual tenure thereby undermining the customary land security of tenure for the poor.

It should be understood that under traditional cut and burn cultivation systems (*chitemene*) large tracts of land are left uncultivated, even though important to the complete agricultural economy of the village. As the wealthy defend their boundaries of land from encroachment and trespass the local people are slowly becoming aware of the consequences of allowing conversion of customary tenure to individual tenure. Some villagers especially those from poor households (*abalanda/ ababusu*) are anxious that conversion of tenure is leading to a situation in which local people are losing land to wealthy newcomers. Ba-Mushipo who in the well being and wealth ranking was ranked as poor (*abalanda*) complained:

In this village it is becoming difficult to cut (*ukutema*) and clear land for millet (*amale*) without exchanging unpleasant words (*ukumana*) with others claiming that you are on their farm (*ifamu*). How can someone call uncultivated forestland (*impanga*) a farm? Even newcomers (*abeni*) are now so arrogant and disrespectful to us the owners of the village because they have papers from the chief for a farm (*ifamu*). But what about us, this is our village where shall we cut (*ukutema*) for our millet gardens? Even when we complain to the headman or the chief nothing is done!  
(Interview with Ba-Mushimpo, Binda Village, 14-08-2000)

The central role of the chief in conversion of tenure formally recognised by the 1995 Land Act means that the process is bound up with the social identities and personal influence of particular individuals within the village communities. In particular the process favours the wealthy (*abakankala*). In this case poor members (*abalanda*) of the community are disadvantaged. This is especially relevant when it comes to poor people's ability to claim land with suitable trees for *chitemene* and other natural resources for their household subsistence. This negative outcome of conversion of tenure on the rural poor is similar to the outcomes of 16th century land enclosures in England (Briscoe 2001).<sup>21</sup>

There is no doubt that conversion of tenure is taking root in Kamena. For example 11 out of 64 households interviewed (17%) who are also maize cash crop farmers have developed

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<sup>21</sup> Land enclosure meant that the traditional open field system whereby individual peasant farmers could farm their own pieces of land was ended in favour of creating larger and more profitable farming units which required fewer people to work on them. As the wool trade became increasingly popular, these units were often dedicated to rearing sheep. As a result, many people who had lived and worked in the countryside their whole lives found themselves without any means of support and, in many cases, evicted from their homes. Large numbers headed for the towns in the hope of a better life (Briscoe 2001).

permanent vested agriculture interest in particular parcels of land and have stated the process for conversion of tenure. For these farmers the Land Act of 1995 is positive because it provides a mechanism for them to convert customary tenure and to get statutory title to their land. However even for these relatively rich farmers the process of tenure conversion is not only lengthy, but also expensive. They have to make journeys to the chief, local government district offices, agriculture department and the Commissioner of Lands in Lusaka. None of the farmers that are converting tenure have completed the process. They are all at different stages of processing their conversion of tenure from customary to statutory leasehold tenure.

Conversion of customary land tenure to statutory tenure is a controversial issue in Kamena. For returning migrants and other wealthy outsiders (*abeni*) conversion of tenure is perceived as a way of strengthening and securing their land rights. They recognise that by law conversion of tenure is only possible through consent of the chief and support of the headman and thus they use their influence and material wealth to negotiate for such consent. Unfortunately it seems the chief and headmen for personal benefit chose to ignore the negative consequences on livelihoods of their subjects especially the poor (*abalanda*) of granting large tracts of uncultivated land from the village territory to individuals for conversion of tenure.

## **7.5 Summary**

This chapter has examined and shown how land is accessed, used, and contested by individuals and households in crop cultivation in Kamena. Some important findings are noted. Traditional rights of access to land based on matrilineal relations are dominant and land rights are fluid and processes of contestation and counter contestations are inevitable. Except for subsistence crop cultivation households in Kamena do not always pool resources and act as joint entities. Members of households need each other to open up land for cultivation. However men as heads of households use traditional patriarchy to claim ownership of commercially farmed land and crop. Because matrilineal relatives within a village community control land holding, others outside this decent group do not have access to it on equal terms. For example the land rights of married outsiders are temporary and are dependent on the continuation of the marriage. The temporary nature of these land rights (especially in virilocal or uxrilocal marriage) is a source of land tenure insecurity. It

is a potential constraint on the sustainability of livelihood after death of a spouse, separation or divorce of a married couple.

Unlike in the past when the tenure system was a part of subsistence economy the land tenure system in Kamena today is operating in a liberalised national market economy. Thus, monetary investments in land appear to be hastening individual interest in land and its preservation especially through conversion of customary tenure to statutory tenure. However, the 1995 Land Act provision for conversion of tenure has not strengthened land rights of the poor as envisaged by government. It has instead raised fears amongst local poor people (*abalanda*) of land appropriation by the wealthy. In sum it seems that social difference or inequalities based on gender, wealth and descent have an influence on an individual's or household's access to land or tenure of land. These differences influence the power and authority of individuals in households and in villages with regard to access and control over crop fields. In the next chapter I explore and analyse livelihoods and natural resource use and resource tenure of individuals and households in Kamena.

## **CHAPTER 8: LIVELIHOODS AND NATURAL RESOURCE TENURE IN KAMENA**

### **8.1 Introduction**

In chapter 7, I have examined and shown how land is accessed, used, and contested by men, women and households of different social status, in crop cultivation at Kamena village communities. In this chapter the 'livelihoods, natural resource use and tenure' component from the land tenure and rural livelihoods analysis checklist (section 3.8.3 of Chapter 3) is used as a guide to explore and analyse livelihoods and natural resource use and resource tenure in Kamena. The analysis is focused on the livelihood context of natural resources, social differences, direct use values and resource use rights of individuals and households in the village communities. In particular the study illustrates how land tenure and social relations affect access and control by individuals and households in the village communities over natural resources.

Although there is a wide range of natural resource use livelihood activities on the commons in Kamena (see Chapter 5 Table 5.7), I have only selected three such activities to present as case studies. These are collection of wild vegetables (*umusalu*) and mushrooms (*ubowa*); collection of the caterpillar (*ukukola ifishimu*) and collection of caterpillars (*ifishimu*). Each case study covers the livelihood context of the particular resource, social differences in resource use patterns, resource use values, resource tenure, access, and control. The material in this chapter is based on field research conducted in Kamena over the period from 1999 to 2002. Data was collected using rural rapid appraisal (RRA) matrix scoring, measurements of weights of natural resources market units, estimating and recording household sales and consumption of natural resources, participant observation, focus group discussions and semi-structured interview methods.

### **8.2 Property Regimes in Kamena**

In order to understand property in natural resources in Kamena it is important to understand the nature of land ownership in the village territories. The following brief outline of land ownership is therefore appropriate. I have shown in Chapter 7 that land rights in residential sites and crop fields in Kamena are essentially individual. The individual owns the land for as long as he or she cultivates it or has built a house or other functional structure. However, traditionally it is held that no one man can own land and



that land belongs to the villagers as a group. Individual land ownership of land is thus subject to corporate interests of the village community. Transfer to another person through gifts (*ubupe*) inheritance (*ubupyani*), sale (*ukushitisha*) or abandonment terminates an individual's land rights.

The chief (*imfumu*) and village headmen (*ba mwine mushi*) merely represent the village communities and exercise jurisdiction (*ukupingula*) over land in case of conflict or disputes. Despite this conception of land tenure, the government of Zambia enacted a law in 1995 (The lands Act No. 29 of 1995) to recognise the title of individuals holding land under customary tenure. The law also provides for the conversion of tenure of such holding from traditional to leasehold tenure. Consequently, this has set in motion a dynamic of change of tenure with some individuals especially cash crop farmers starting the process of converting their customary use and occupation rights into state leasehold tenure. Thus, a mixed form of land holding consisting of statutory leasehold and customary tenure has emerged and is operating at Kamena.

Given this understanding of land holding, it is now important to explain what constitutes the 'village commons' in Kamena village communities. The land surrounding a village (*umushi*) is the village communal territory. The boundaries (*umupaka*) of the village communal land are usually general, and only roughly understood by the neighbouring villagers. Land that has not been built upon or remains uncultivated is what strictly clearly remains the 'village commons'. By custom, no one is supposed to claim individual rights in the 'village commons' specifically referred to as *impanga*, meaning land in its natural state. For the people in Kamena, communal land (*impanga*) is looked upon as a valuable natural resource and a God given (*ubupe*) livelihood resource for all villagers. The Chief (*imfumu*) and headmen (*mwine mushi*) have the responsibility to ensure equitable access (*umulinganya*) to resources on the commons by all villagers. Thus, all products from the commons and around Kamena are supposed to be freely and equally available to all residents in Kamena. Only members of the village have exclusive rights to access and use natural resources on the village commons. Village members as a social unit use natural resources under the customary stewardship of the village headman. The practice is that outsiders may access and use natural resources on the village commons with the permission (*ulusa*) of the village headman (*mwine mushi*). For this reason the 'village

commons' is best seen as common property<sup>22</sup>. However in practice because of the various overlapping users of natural resources the situation on the village commons is complex and often results in inequitable access to resources. With this brief property regime out line in Kamena I now present details of the case studies.

### **8.3 Case study: Wild edible vegetables and mushroom**

#### **8.3.1 Livelihood context**

In Kamena, there are several edible varieties of wild vegetables (*umusalu*) and mushrooms (*ubowa*), however only a few of these varieties are collected, consumed and sold in quantities. Tables 8.1 and 8.2 show matrix scoring by women for selected wild vegetables' and mushrooms' sites abundance, revenue and home use. Wild vegetables (*umusalu*) are easily available from the beginning of the rainy season in November to the end of the rain season in April the following year. Mushrooms are available for three months from November to January of the following year. Traditionally collection, preservation and cooking of wild vegetables (*umusalu*) and mushroom (*ubowa*) are looked upon as women's tasks.

A man may sometimes come across a highly valued type of mushroom in the bush such as *Termitomyces titanicus* (*Chikolowa*) and pick it up because if he does not another person will do so. However normally men are not bothered about vegetables and mushrooms collection. Usually when a man comes across a site where edible mushrooms are growing, he simply alerts his wife or daughter about it. Consequently, only women and children are heavily involved in the collection of wild vegetables and mushrooms. Men enjoy access to these resources through kinship relations, most important as husbands and fathers. Women collect vegetables and mushrooms for home consumption and for sale at Nseluka and Kasama.

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<sup>22</sup> See theory of common property resources in section 3.2.5 of Chapter 3.

**Table 8.1 Matrix scoring by women for selected wild vegetables' sites, abundance, revenue and home use.**

VEGETABLE NAME		COLLECTED FROM:		ABUNDANCE/ REVENUE AND USE		
Bemba name	Scientific name	Crop/ fallow Fields	Commons	Abundance	Sale	Home use
<i>Busoshi</i>	<i>Sesamum Alatum</i>	6	7	5	2	4
<i>Chimamba</i>	<i>Sphenostylis Erecta</i>	8	9	8	8	8
<i>Mankolobwe</i>	<i>Cucumis Sp</i>	8	8	7	7	7
<i>Lubanga</i>	<i>Cleome Gynandra</i>	10	5	8	9	9
<i>Lusakasaka</i>	<i>Corchorus</i>	10	4	9	8	8
<i>Malamu</i>	<i>Crassocephalum Rubbens</i>	4	7	7	3	6
<i>Mumbu</i>	<i>Coleus Esculentus</i>	5	5	6	5	4
<i>Mupapa</i>	<i>Afzelia Quanzensis</i>	2	10	7	3	5
<i>Mutaka</i>	<i>Amarantus</i>	10	2	10	4	9
<i>Pupwe</i>	<i>Fagara Chalydea</i>	3	10	10	9	8

**Key:** Crop fields 1 = rarely collected from crop fields; Crop fields 10 = Highly collected from crop fields. Commons 1 = rarely collected from the village commons; Commons 10 = Highly collected from the village commons; Abundance 1 = low quantities available; Abundance 10 = large quantities available. Sale 1= rarely collected for sale; Sale 10 = Highly collected for sale; Home use 1 = rarely collected for home use; Home use 10 = Highly collected for home use.

Source: Fieldwork (a group of 13 women in focus group discussion and RRA exercise) 2001.

The season for wild vegetables and mushrooms coincides with women's *chitemene* tasks of sowing, planting and weeding (see Appendix A). It is important to note that the regeneration of wild vegetables and mushrooms is by natural means only and compared to cultivated vegetables, wild vegetables and mushrooms take longer to harvest, as they are not always found at one location. This adds extra pressure on women's time management as both collection of vegetables and mushrooms and agricultural tasks are time taking (see Appendix A). Wild vegetables (*umusalu*) are usually cooked as a relish to the staple millet or cassava thick porridge (*nshima*) in the main meals. At Kamena the use of wild vegetables (*umusalu*) and mushrooms (*ubowa*) when they are in season is wide spread.

**Table 8.2 Matrix scoring by women for selected mushrooms' sites and abundance, revenue and home use.**

MUSHROOM NAME		COLLECTED FROM:		ABUNDANCE/ REVENUE AND USE		
Bemba name	Scientific name	Crop/fallow Fields	Commons	Abundance	Sale	Home use
<i>Busefwe</i>	<i>Lactarius gymnocarpus</i>	3	10	10	5	8
<i>Chibengele</i>	<i>Termitomyces clypeatus</i>	2	10	3	4	5
<i>Chikolowa</i>	<i>Termitomyces titanicus</i>	1	10	5	6	6
<i>Chitondo</i>	<i>Cantharellus miniatescens</i>	2	10	8	8	8
<i>Kabansa</i>	<i>Lactarius kabansus</i>	2	10	10	8	8
<i>Kankolenkole</i>	<i>Macrolepiota procera</i>	3	8	5	2	5
<i>Musholomwa</i>	<i>Amanita flammeola</i>	2	7	4	3	4
<i>Samfwe</i>	<i>Termitomyces microcarpus</i>	4	7	5	7	7
<i>Tente</i>	<i>Amanita Zambiana</i>	1	10	8	8	8

**Key:** Crop fields 1 = rarely collected from crop fields; Crop fields 10 = Highly collected from crop fields. Commons 1 = rarely collected from the village commons; Commons 10 = Highly collected from the village commons; Abundance 1 = low quantities available; Abundance 10 = large quantities available. Sale 1= rarely collected for sale; Sale 10 = Highly collected for sale; Home use 1 = rarely collected for home use; Home use 10 = Highly collected for home use.

Source: Fieldwork (a group of 13 women in a focus group discussion and RRA exercise) 2001.

In general, people have two main meals in a day: the morning meal (*umwikulo*) which people eat before going out in the fields and the evening meal (*umulalilo*) eaten before going to bed. The people see wild vegetables and mushrooms as a cheap way of obtaining relish, for the two main meals. Many of the wild vegetables are easily preserved and used when required. The vegetables can be cooked plain or with an addition of pounded groundnuts (*ukusashila*) for good taste. Unfortunately, the price of local vegetables at the local market is low during the rainy season, owing to abundant supply and availability and because every household in the village collects its own fresh wild vegetables. During the rain season, in town markets of Kasama, people tend to prefer the familiar exotic vegetable

to wild vegetables; thus wild vegetables tend to be cheaper than exotic vegetables. In the dry season, however the price of preserved wild vegetables are relatively higher because they are not easily available.

Wild mushrooms (*ubowa*) are available shortly after the first rains fall in November until late March when the rains stop. Women throughout the wet season collect mushrooms (*ubowa*) in small quantities for immediate household consumption. There are three occasions when mushrooms are particularly abundant. These are the second half of November, mid-January, and the first half of March. These periods are the wettest periods of the rain season. During these periods, mushrooms are collected in large quantities. Many are also sold at the local market at Nseluka or in bulk (*ukukungwisha*) at the town markets of Kasama. Some wild vegetables and mushrooms are preserved for eating during the dry season when they are not available. Most of the wild vegetables and mushrooms, which are preserved are those which have a short season.

The preservation methods are different for different types of vegetables and mushrooms. The slippery vegetables (*umulembwe*) are never blanched or boiled. The leaves are simply stripped off the branches, dried in the sun (*ukwanika*), and sometimes pounded into a powder. Other vegetables and mushrooms are blanched or parboiled (*ukufubulula*) and stored for later use. Preservation (*ukufubulula*) is a strategy, which is used to store mushrooms for use, particularly during the dry season but also for days when the pressure of agriculture work prevent the collection of other relishes.

#### *(i) Social differences*

Wild vegetables and mushrooms are not of equal importance to all households in the village communities. It is thus important to observe social differences amongst individuals and households, because they influence use patterns of common property resources such as wild vegetables (*umusalu*) and mushroom (*ubowa*). Important in this regard are differences in wealth and gender. Differences in gender provide understanding of intra-household individual use patterns while differences in wealth provide insights on usage of wild vegetables and mushrooms by households.

At Kamena relishes like meat, fish and chicken are very scarce and when they are available, they are expensive. These foods are strongly associated with wealthy households

(*abalikobwino* and *abakankala*). For many poor households (*abasusu* and *abalanda*) the ‘hunger period’ (*munsala*) November to early March, is a time of food shortages. With regard to relish, the household stocks of cultivated relishes are at their lowest levels during this period. Thus, consumption of wild edible vegetables (*umusalu*) at Kamena is high amongst the poor (*ababusu* and *abalanda*) largely because there is no money needed to buy the wild vegetables. Therefore, wild vegetables (*umusalu*) and mushrooms (*ubowa*) become a very important source of relish for poor households (*ababusu* and *abalanda*). For this reason, the use of wild vegetables (*umusalu*) is often associated with poor households (*ababusu* and *abalanda*) who do not have much cash to buy alternative relish (*umunani*). This confirms the importance of communal resources as a safety net for the poor as stated by Shackleton *et al* 2000. However this does not mean that the wealthy (*abakankala*) of Kamena do not use wild vegetables and mushrooms. Bana-Chanda who collects and sells wild vegetables and mushrooms commented:

We all like wild vegetables (*umusalu*) and mushrooms (*ubowa*) because they are tasty and we collect them at no cost. I sell a good portion of my vegetables and mushrooms to wives of rich (*abakankala*) farmers. (Interview with Bana-Chanda, Chapewa Village, 15-03-2000)

From time to time and out of choice wealthy individuals and households, consume wild vegetables and mushrooms largely because they are well known for being tasty (*ukununkila*). It is thus acknowledged that the importance of wild vegetables and mushrooms varies from one household to another partly because of differences in the wealth status of households.

As pointed out earlier another important social difference with regard to use of wild vegetables and mushrooms is gender. First, it is important to point out that both men and women take part in the consumption of wild vegetables (*umusalu*) and mushrooms (*ubowa*). However, men at Kamena do not normally consume mucilaginous or slippery leaf vegetables (*umulembwe*) such as *Corchorus* (*Lusakasaka*). According to social custom a man who consumes slippery wild vegetables (*umulembwe*) is said to be ‘soft and lazy’ (*itonsha* or *umunag’ani*). Thus, slippery leaf vegetables (*umulembwe*) are often labelled women’s relish (*umunani wabanakashi*). Women and children can freely eat *umulembwe*. Adult men discourage boys from eating *umulembwe* lest they become soft and lazy men

(*abanag'ani*). Eyebrows are not raised when a man consumes *umulembwe* in special circumstances. This is especially when it is taken with other herbs as a medicine (*umuti*) especially for cure of a sore throat.

*(ii) Household direct-use values from wild vegetables and mushrooms*

In this section, I continue to discuss the importance of common property resources with a focus on the direct-use value of wild vegetables and mushrooms. In this case I will estimate in monetary terms the direct-use value of wild vegetables (*umusalu*) and mushrooms (*ubowa*) harvested and consumed by households or traded in the market locally at Kamena or at the nearest town Kasama. I have calculated the direct use values by multiplying the amount of wild vegetables or mushrooms consumed or traded by a household by the average local price per unit of measure.

The average prices of wild vegetables and mushrooms used in the calculations of direct use values are those in effect during the period (November 2000 to October 2001) in Kamena and nearby Nseluka markets and Kasama town markets. The market measure of a unit of wild vegetables (*umusalu*) at these markets is a bundle (*akapo*) or heap (*umwina*) weighing between 200 and 300 grams and sold at an average price of K100. The unit measure for wild mushrooms is a heap (*umwina*) weighing between 250 and 300 grams simply piled on a mat and sold at an average price of about K500. Women informants estimated that one person requires one unit of measure (*akapo* or *umwina*) of wild vegetables or mushroom per meal. In my calculations of direct use values, I have not included costs of inputs and labour and thus, the values presented are gross values.

**Table 8.3: Household direct-use values from wild vegetables and mushrooms**

	<b>Household case studies</b>			
	<b>Case 1: Bana Chanda</b>	<b>Case 2: Bana Bwalya</b>	<b>Case 3: Bana Mwamba</b>	<b>Case 4: Bana Mulenga</b>
Wealth ranking	Very poor <i>Ababusu</i>	Poor <i>Abalanda</i>	Well-off <i>Abaliko bwino</i>	Wealthy <i>Abakankala</i>
Household Size	6	5	5	3
<b>Wild vegetables</b>				
Meals Consumed	123	113	86	52
Direct- use value	K73,800	K56,500	K43,000	K15,600
Bundles sold	990	1080	0	0
Direct- use value	K99,000	K108,000	0	0
<b>Sub-Total</b>	<b>K172,800</b>	<b>K164,500</b>	<b>K43,000</b>	<b>K15,600</b>
<b>Wild mushrooms</b>				
Meals Consumed	157	135	118	97
Direct- use value	K471,000	K337,500	K295,000	K145,500
Heaps sold	840	720	420	0
Direct- use value	K420,000	K360,000	K210,000	0
<b>Sub-Total</b>	<b>K891,000</b>	<b>K697,500</b>	<b>K505,000</b>	<b>K145,500</b>
<b>Total</b>	<b>K1,063,800</b>	<b>K862,000</b>	<b>K548,000</b>	<b>K161,100</b>

Source: Data recorded by female research assistants for morning and evening meals between 3 November 2000 - 30 October 2001. During the same period bundles and heaps of wild vegetables and mushrooms sold were recorded.

In order to capture differences in direct-use values between households, female research assistants kept records. For each case study household the number of wild vegetable or mushroom meals consumed as a main relish (*umunani*) with the staple thick porridge (*ubwali*) were recorded. The research assistant recorded data of morning and evening meals in respect of the day before the questioning. During the same period the number of bundles and heaps of wild vegetables and mushrooms sold by a case study household were recorded. This was repeated over one year (November 2000 to October 2001). I also purchased samples of the vegetables and mushrooms to determine the weights and unit prices. It is assumed that all members of the household took part in every meal. Thus, the direct use values for the number of meals consumed are calculated by multiplying the number of meals by the number of members of the household and the unit price. Table 8.3



shows household direct-use values from wild vegetables (*umusalu*) and mushrooms (*ubowa*) of four households differentiated according to wealth categories.

All the four case study households in Table 8.3 have benefited from either consumption or sale of wild vegetables (*umusalu*) and mushrooms (*ubowa*). This observation is important because it confirms the importance of wild vegetables (*umusalu*) and mushrooms (*ubowa*) to all households and individuals at Kamena irrespective of social status. The evidence also show that both poor households and wealthier households consume wild vegetables (*umusalu*) and mushrooms (*ubowa*), with poorer households (*ababusu / abalanda*) of course consuming more than wealthier households (*abalikobwino / abakankala*).

The poorer households are involved in both harvesting for consumption and for sale. Bana-Mwamba case 3 indicated that she prefers to harvest and sell mushrooms rather than wild vegetables because it is more profitable. Consequently the direct use values for wild vegetables and mushrooms for female-headed households, widows and even poor male headed households tend to be relatively higher than of wealthier households. For example the direct use values from wild vegetables (*umusalu*) and mushrooms (*ubowa*) of Bana-Chanda (case 1) who is a widow were as high as K1, 063,800. In contrast the direct use values from wild vegetables and mushrooms of the wealthy household of Bana-Mulenga (case 4) is only K161, 100. Bana-Mulenga does not go out to harvest wild vegetables and mushrooms; she buys them from other women. She pointed out that she does not have time to go out to harvest forest products because she is usually busy selling items in her husband's grocery shop (*akantemba*).

As I conclude this section I find it important to note that wild vegetables and mushrooms are vital in the livelihoods of Kamena village communities especially to female headed households (*abashimbe / bamukamfwila*), and other poor households (*abalanda*). In the next section, I will now discuss issues regarding resource tenure practices and institutions with regard to wild vegetables and mushrooms.

### **8.3.2 Resource tenure of wild vegetables and mushrooms**

At Kamena, like any other place in the customary lands of Zambia, many different types of wild vegetables (*umusalu*) and mushrooms (*ubowa*) grow. Wild vegetables and mushrooms occur in natural bush, forest (*mumpanga*) – the commons and on crop fields

(*chitemene* fields, *fundikila*, and permanent crop fields - *amafamu*) as weeds or as protected isolated plants. Some are also frequently encountered in crop fields (*amabala*) around residential sites (*pang'anda*). They are usually left as volunteer seedlings during cultivation of other domestic vegetable crops on residential site gardens. During the time for weeding the crop fields, women especially protect wild vegetables and ownership of such plants depends on the ownership of the crop field of land on which they happen to be growing. Thus, the woman of the house controls access to wild vegetables or mushrooms growing on a residential site garden.

(i) *Collecting wild vegetables and mushrooms from crop fields*

As pointed out in Chapter 7 after finishing the cutting for a *chitemene* garden a man specifically allocates it to a wife and does not interfere with its management. From October to March the following year, the woman is left in charge of the *chitemene* garden tasks of planting, weeding and harvesting of crop. These tasks are regarded as women's work (*inchito yabanakashi*). During this period women are also involved in picking mushroom and wild vegetables some of which maybe growing on their crop fields. The point to remember here is that rights in crop fields are essentially individual. Thus, traditionally the *chitemene* garden and its products belong to the woman who has invested her labour (*amaka*) in collecting and piling the cut branches in preparation for burning and planting. In particular she manages and controls the use of all cultivated crops. She also has the right to wild vegetables and mushrooms growing on her *chitemene* and *fundikila* gardens for her household. A woman and her household members also have prior rights to wild vegetables and mushrooms growing on their *chitemene* and *fundikila* crop fields, which are in fallow.

Although the vegetables and mushrooms grow naturally on *chitemene* and *fundikila* gardens, women always claim ownership. Women argue that they take the initiative of protecting these wild resources and leaving them as volunteer seedlings during weeding and planting of other crops. Thus, access to wild vegetable (*umusalu*) and mushrooms (*ubowa*) growing on *chitemene* and *fundikila* crop fields is reserved for members of the household owning the field. Not even the other wives of the same man can collect wild vegetables or mushrooms in another's garden without asking for permission (*ukulomba ulusa*). However, being a matrilineal people a mother daughter relationship is very strong and thus a woman's mother has a right to go in her daughter's *chitemene* garden, pick wild vegetables, or mushroom without asking for permission (*ukupoka ulusa*). However, the

traditional 'in-law avoidance' associated with respect (*umuchinshi*) for the in-laws prevents a mother-in-law (*abapongoshi*) from picking vegetables or mushrooms on a daughter-in-law's *chitemene* gardens.

Other female relatives are also expected to show courtesy and respect (*umuchinshi*) by asking for permission before collecting wild vegetables or mushroom from a female relative's garden. It should be noted that neighbours and other members of the village community might also seek permission from an owner of a crop field to collect wild vegetables or mushroom. This is done based on the traditional spirit of assistance (*ubwafwilisho*) and reciprocity. In most cases, permission is granted, however in some cases permission is not granted especially if the one asking is a suspected witch (*indoshi*). An excuse is given for not granting permission. Bana-Mutwale shed some light on this:

You have to be careful to whom you give permission to collect wild vegetables and mushrooms from your garden. A witch will approach you to collect some wild vegetables growing in your *chitemene* garden (*ichifwani*). If you allow her to go ahead, she will look at your well-grown millet (*amale*) and cast a spell on you so that during harvest, without knowing you share your grain with her (*ukukula amale*). When your grain is quickly finished, with shame you have nothing to say to your husband! (Interview with Bana-Mutwale, Kamena village, 17-02-2000)

Despite the fact that cut and burn (*chitemene*) and grass-manure (*fundikila*) crop, fields are owned within a communal system of rights, access to wild vegetables and mushrooms growing on these gardens is controlled by individual owners of fields. This is largely because land rights to crop fields are essentially individual. Members of the village community are expected to request for permission (*ukulomba ulusa*) before collecting wild vegetables and mushrooms. Permission is not automatically granted and maybe denied for social reasons as in the case of fear of witchcraft (*ubuloshi*).

(ii) *Collecting from permanent crop fields (amafamu)*

In Chapter 7, I have shown that some men have acquired land within the village territory, which they are using for hybrid maize cash cropping (*amafamu*) and are converting tenure. These are usually large tracts of land in excess of 50 hectares. The farms are rather large considering that according to the questionnaire survey only 10.9% of the households are

cultivating more than 5 hectares of their farmland. Usually the boundaries of farmers who are converting tenure include large tracts of uncultivated land with trees in natural state, which, they guard jealously. These forest areas provide good sites for wild vegetables (*umusalu*) and mushrooms (*ubowa*).

For hybrid maize farmers converting tenure, both cultivated and uncultivated land within their farm boundaries is 'private property'. However, in the understanding of the common villager at Kamena, uncultivated land within the village territory constitutes the commons (*impanga*). This interpretation of the village commons is a source of problems between farm owners in the process of converting tenure and village women collecting wild vegetables or mushroom or indeed any resource such as firewood. The village women can not imagine that conversion of tenure by an individual can result in loss of common property rights on that particular land, even when it is not cultivated. According to their understanding land rights are individual only when one invests his or her labour (*amaka*) clearing and cultivating a piece of land. Thus, women maintain that farm owners (*bashi-mafamu*) have no moral right to stop them from collecting these natural products or to demand that permission be sought before collecting. An old woman lamented:

It was not like this before! It is difficult to understand why today these maize cash crop farmers (*bashi-mafamu*) are behaving as though they own all the land within the village for their exclusive use. These people want us to ask for permission (*ukupoka ulusa*) before collecting wild vegetables (*umusalu*), mushroom (*ubowa*) or firewood (*inkuni*) on land near their crop fields. Wild vegetables and mushrooms are very important in the lives of our households and it is our duty as women to collect them in order to feed our children and husbands. God-given natural resources (*ifisabo fyakwa Lesa*) do not belong to one person. It seems that these cash crop farmers (*bashi-mafamu*) do not know that their farm boundaries (*imipaka*) end where they stop cultivating. The problem with rich people is that they think they can do anything they want! The shame is that the headman (*mwine-mushi*) also does very little to stop this bad behaviour (Interview with Bana-Mubanga, Kasonde Village, 3-06-2000)

This sentiment speaks out the feelings of subsistence women farmers at Kamena. In as far as, they are concerned all land within their village territories is under the traditional control of their headman (*mwine mushi*) and not any other individual and customary rules and

rights apply. The headmen (*bamwine mushi*) have the responsibility to ensure equitable access (*umulinganya*) to resources on the commons by all villagers. This means that wild vegetables (*umusalu*) and mushrooms (*ubowa*) on the village commons are supposed to be freely and equally available to all villagers. Given this understanding the women at Kamena may collect wild vegetables and mushrooms wherever they desire on the village commons without seeking permission from any one. The problem appears to be that cash crop farmers do not agree that the traditional definition of the commons should be extended to their farm blocks. One farmer argued that:

The whole point of converting tenure is for me to be in charge of land use within the boundaries of my farm. How can I be in charge when others can come on my land and do as they please? On one of the anthills on this farm I had a wild vegetable tree *Pupwe (Fagara Chalydea)*, the tree was cropped until it died by unknown people! I still have many trees on my farm because I do not permit tree cutting. If people from the village wish to come and collect wild vegetables (*umusalu*) and mushrooms (*ubowa*) on my farm, they should recognise me as owner of the farm (*umwine wafamu*) and ask for my permission (*ulusa*). Although I do not have the title deeds yet, I have a letter from the chief and the local authority giving me permission to convert tenure. (Interview with Bashi-Kabwe, Kasonde Village, 8-05-2000)

It seems that the effect of conversion of tenure has not been well understood especially by the common villagers at Kamena. According to the Land Act of 1995 the act of converting customary tenure, in effect converts a part of 'Customary land' to 'State land' under leasehold tenure. Consequently, after conversion of tenure of a farm, by law customary land tenure rules cease to have effect with regard to that particular parcel of land. It also follows that the village community loses its corporate tenure of the land in question. Sadly, the women in Kamena have not grasped this aspect of conversion of tenure. Herein lies the mismatch between statutory tenure, which emphasises individual ownership of land, and customary tenure, which emphasises individual use of land subject to overriding rights of the community. We have seen in this discussion the important role of common property resources especially as a source of food for poor people (*ababusu / abalanda*) during periods of stress like the hunger (*munsala*) period. The effects of exclusion from common property resources such as wild edible vegetables (*umusalu*) and mushrooms (*ubowa*) on livelihoods of the poor (*ababusu / abalanda*) especially female-headed households are

negative. In the next section, I discuss the caterpillars, which are one of the most important sources of food and cash for the village communities at Kamena.

## 8.4 Case study: Caterpillars

### 8.4.1 Livelihood context

At Kamena, a few species of edible insects (grasshopper - *inshokonono*, burrowing cricket - *nyense*, caterpillar - *ifishimu*, cicada - *nyenye*, grubs of white ant - *inswa*) are collected during the period October to February. During January and February, largely young boys collect the burrowing crickets (*inyense*). They do not come in large numbers and are thus, not important to adults who consider them as a snack for young people. They are dug out of sandy soils, especially in fallow or abandoned *chitemene* garden (*ififwani*) or *fundikilila* gardens. During late October and November the, cicada (*nyenye*) and grubs of white ant (*inswa*) are collected either before or during their flight. Again these two are collected in small amounts and serve as relish (*umunani*) for young people.

However, among the edible insects various types of caterpillars (*ifishimu*) are the most important in that they are collected, consumed and sold in relatively large quantities than the other species of insects. Caterpillars (*ifishimu*) are in season during the rain season (*amainsa*) from about the first week of November to the end of December. The importance of the caterpillars is obvious in Table 8.4, which shows RRA matrix scoring for collected quantities of selected edible insects in Kamena.

**Table 8.4: Matrix scoring for collected quantities of selected edible insects**

Common name	Local name	Quantities collected
Grass-hopper	<i>Inshokonono</i>	2
Burrowing cricket	<i>Nyense</i>	1
Caterpillar	<i>Ifishimu</i>	10
Cicada	<i>Nyenye</i>	2
Grubs of white ant	<i>Inswa</i>	2

Key: Quantities collected 1 = collected in small quantities; Quantities collected 10 = collected in large quantities.

Source: Fieldwork (RRA exercise) March 2000.

**Table: 8.5: Matrix scoring for caterpillar abundance, consumption and sale**

Caterpillar local name	Abundance	Consumption	Sale
<i>Chipumi</i>	10	10	10
<i>Fitobo</i>	4	8	2
<i>Ifikoso</i>	5	8	1
<i>Impambata</i>	3	7	2
<i>Impwempwe</i>	6	4	0
<i>Kayonga</i>	5	3	0
<i>Mumpa</i>	10	10	10

Key: Abundance 1 = small quantities available; Abundance 10 = large quantities available;

Consumption 1 = small quantities consumed; Consumption 10 = Large quantities consumed; Sale 1 = small quantities sold; Sale 10 = large quantities sold.

Source: Fieldwork (RRA exercise) March 2000.

Villagers know several varieties of the caterpillars (*ifishimu*). The host trees of the caterpillars are also known. For example *ifishoko*, which is a small white grub, is found on *Julbernardia paniculata* (*mutondo*) trees and *utubambe* is small red grub which usually lives on and mines the *Julbernardia globiflora* (*mpasa*) and *Parinari curatellifolia* (*mupundu*) tree leaves. Even more important the villagers also know when the caterpillars are likely to appear in swarms. Seven edible varieties of caterpillars (*ifishimu*) found around Kamena were identified and Table 8.5 shows RRA matrix scoring for caterpillar abundance, consumption and sale.

In Kamena, caterpillars are a very popular food in households. In the first two weeks of November women collect caterpillars in small quantities for immediate household consumption. They are usually cooked as a relish to the main meals of the staple millet, cassava, or maize thick porridge (*ubwali*). The caterpillars (*ifishimu*) can be cooked plain or with an addition of pounded groundnuts (*ukusashila*) for good taste. They are also eaten as a snack during beer drinking. Like wild vegetables and mushrooms women see the caterpillars as a cheap way of obtaining relish, for the two main meals (*umwikulo* and *umulalilo*). By the third week of November caterpillars are abundant and are collected in large quantities. In order to preserve the caterpillars, they are parboiled (*ukufubulula*) with salt and sun dried (*ukwanika*) for about three days and stored in sacks for later use or sale. Preserved caterpillars are very useful to women especially on days when the pressure of agriculture work prevents the collection of other relishes. They are also used during the dry season when they are out of season. Large quantities of caterpillars are sold at the local market at Nseluka and Kasama or in bulk (*ukukungwisha*) to outside traders.

The collection of the caterpillar is associated to the Bemba spirit (*imipashi*) worship. It is held that ancestral spirits are responsible for a good or bad year of caterpillar season. For this reason, traditional leaders, in particular chiefs and headmen insist on religious observation of caterpillar collecting rules and practices. For example no individual is allowed to start collecting the caterpillars (*ukukola ifishimu*) until the paramount Chief Chitimukulu gives the word for all the village communities under his jurisdiction to start collecting. He also gives the word for every one to stop collecting the caterpillar (*ifishimu*) in December. It is the work of his advisers (*bakabilo*), sub-chiefs (*imfumu*), and headmen (*bamwine-mushi*) to ensure that all villagers observe the Paramount Chief's instructions with regard to collection of *ifishimu*. One of the most important rules for all to observe is no love making in the bushes (*mumpanga*) during the season of the caterpillar. It is said that if the Chief's rules are not followed only a few caterpillars are available in the next season. Even ordinary villagers police the commons during the caterpillar season to report any contravention of rules. Any contravention of the rule is subject to a hearing at the chief's court (*ichilye*). Punitive measures may be taken against the guilty villager. Contravention of rules also calls for prayers by the Paramount Chief to plead with the ancestral spirits (*imipashi*) so that the quantities of the caterpillars are not reduced in the next season.

*(i) Social differences*

It is important to point out that the degree of importance of the caterpillars as a livelihood resource is different for households within the village communities. Social differences amongst individuals and households do influence the collection and use patterns of the caterpillars (*ifishimu*). Differences in wealth and gender are important in this regard. Differences in gender provide understanding of intra-household individual use and collection patterns while differences in wealth provide insights on usage of caterpillars by households.

For poor people (*ababusu* and *abalanda*) at Kamena the caterpillars (*ifishimu*) are very important sources of relish in the months of November and December. As stated in the previous section, at Kamena relishes like meat, fish and chicken are very scarce and when they are available, they are expensive. Thus, these foods are strongly associated with wealthy households (*abalikobwino* and *abakankala*). For poor households (*ababusu* and



*abalanda*) the period November to March is regarded as the ‘hunger period’ (*munsala*) because the household stocks of the staple millet, maize and sorghum and cultivated relishes are at their lowest levels. Thus, the coming of the caterpillars (*ifishimu*) is a relief to poor households (*ababusu* and *abalanda*) largely because they are collected from the commons at no cost except labour.

The caterpillars are therefore a very important source of relish (*umunani*) for poor households (*ababusu* and *abalanda*). The poor are more pressed to go out to the commons to collect the caterpillars, process and make them available for sale to relatively wealthier villagers and traders from outside the village communities. Thus, collection and processing of the caterpillars is strongly associated with poor households (*ababusu* and *abalanda*). It is clear that caterpillars provide a food safety net for the poor during the ‘hunger period’. The wealthy people of Kamena village communities also consume and sell caterpillars (*ifishimu*) to traders from towns. However, the wealthy do not normally collect caterpillars from the bush but buy them cheaply from relatively poorer (*ababusu* and *abalanda*) villagers, eat them or resell them at a profit to traders from outside the village communities. I asked Bashi-Kabwe a wealthy farmer if his household members take part in collection of the caterpillars on his farm and from the commons. He told me that:

Caterpillars (*ifishimu*) are a very tasty (*ukunukila*) relish, which we all love in our household. However, the time of the caterpillars coincides with very important agricultural tasks on my farm. I need every hand to help with cultivation and weeding of hybrid maize. Members of my household do not have the time to go out and collect the caterpillars, so we buy the caterpillars from those who go out to collect them. During the caterpillar season people generally have very low supplies of millet, and we usually exchange millet for the caterpillars. Because caterpillars are profitable we later resell them to traders from town. (Interview with Bashi-Kabwe, Kamena Village, 5-02-2000).

From the statement above it is clear that members of wealthy households are not so desperate as to go out in the bush to collect the caterpillars. They can purchase them cheaply from others who collect and are desperate for other foods like millet. For wealthy households the caterpillars are just one of the tasty relishes available for purchase during the period November to December and not necessarily a cheap alternative of relish. It is

thus clear that the importance of caterpillars as a food varies from one household to another partly because of differences in the wealth status of households.

Another important social difference with regard to collection and use of caterpillars (*ifishimu*) is gender. Men at Kamena do not normally consume the small and sweet in taste caterpillars (*ifishimu*) called *kayonga* or *utubambe*. These two types of caterpillars are the first ones to appear in the first two weeks of November. Women and children are excited about them because they provide a change in their diet. Men look at them with disinterest because of their sweet taste and also because traders are not interested in buying them. Thus, normally men are not bothered about collecting *kayonga* or *utubambe* caterpillars. When a man comes across a tree swarming with *kayonga* or *utubambe* caterpillars, he alerts his wife, daughters or any other female relative about it. Consequently, only women and children are heavily involved in the collection of *kayonga* or *utubambe* caterpillars. For this reason, the small and sweet caterpillars (*kayonga* or *utubambe*) are labelled women's and children's relish (*umunani wabanakashi nabaiche*).

It is important to note that both men and women are involved in the collection of the caterpillar. However, where as the men collect caterpillars particularly for sale, the women collect the caterpillars both for home consumption and for sale. Traditionally processing or preservation (*ukufubulula*) of the caterpillars (*ifishimu*) is primarily the responsibility of women (*inchito yabanakashi*) largely because it involves use of the cooking area to parboil the caterpillars, add salt and sun dry them. Thus, usually men through the institution of marriage (*ichupo*) or kinship relations to females are able to get their portion of the caterpillars processed or preserved (*ukufubulula*). The caterpillar season is a very busy time for the women of Kamena as it is also the time for important agricultural *chitemene* tasks of pilling the cut branches (*ukukula*), planting (*ukubyala*) and weeding (*ukusekwila*). As stated in Chapter 7 all these agricultural tasks are considered as work for women (*imilimo yabanakashi*). Collecting the caterpillars is time consuming as they are not always found at one location and this adds extra pressure on women's time management. A whole day is usually put aside only for collecting the caterpillars (*ukukola ifishimu*).

There is no doubt that caterpillars (*ifishimu*) have a central place in the livelihoods of people in the village communities, but what is the monetary value of caterpillars consumed

or sold by households? In the next section, I now focus my discussion on the direct-use value of the caterpillar (*ifishimu*) consumed and sold by case study households.

*(ii) Household direct-use values from caterpillars*

I have estimated in monetary terms the direct-use value of the caterpillar (*ifishimu*) collected and consumed by households or traded in the market locally at Kamena or the nearby market at Nseluka. The price of a plate (*imbale*) of caterpillars at the local market is always good because the caterpillars are always on high demand by outside traders. During November and December, almost all the households in the village communities are busy collecting the caterpillar for home consumption and for sale to traders. Traders from the Copperbelt towns and other urban areas bring with them all sorts of materials and groceries to barter with the caterpillar.

I have estimated the direct use values by multiplying the amount of caterpillars (*ifishimu*) consumed or traded by a household by the average local price per unit of measure. The average prices of the caterpillars that I have used in the calculations of direct use values are those in effect during the caterpillar season (November 2000 to January 2001) at Kamena and Nseluka markets. There are two standard market measures of a unit of caterpillars. The first is of a small plate (*imbale*) which holds just about enough caterpillars for one person's meal and costs K500. This is a suitable measure for those buying a few caterpillars for a household's meal. The second is a 5 litre tin container (*meda*) which is sold at K5000. This is especially meant for traders buying in bulk (*ukukungula*) to go and resell in the urban areas. Traders buying in bulk (*ukukungula*) usually pay the K5000 in kind with soap, salt, sugar, or ladies cloth (*chitenge*).

In order to capture differences in direct-use values of caterpillars (*ifishimu*) between households, four case study households representing the four wealth categories were selected from the sample of sixteen households studied in detail. A record was kept by female research assistants at each village of the number of caterpillar meals consumed by a case study household on a daily basis and the number of 5 litre tins (*meda*) sold. The records were kept for a period of one year (November 2000 to October 2001). Women informants estimated that one small plate of caterpillars is sufficient relish for one person in one meal. In my calculations of direct use values, I have assumed that all members of the household took part in every meal. Thus, the direct use values for the number of meals

consumed are calculated by multiplying the number of meals consumed by the number of members of the household and the unit price for a plate of caterpillars (*ifishimu*).

Table 8.6 shows household direct-use values from caterpillars (*ifishimu*) of four households differentiated according to wealth categories. I have not discounted costs of inputs in collecting and processing the caterpillars and therefore, the direct use values calculated are gross values. Irrespective of category in terms of wealth, all the four case study households consumed and sold caterpillars (*ifishimu*). The village communities considered caterpillars as being profitable especially when sold to traders from towns.

**Table 8.6: Household direct-use values from caterpillars**

	Household Case studies			
	Case 1: Bana-Chewe	Case 2: Bana-Sulako	Case 3: Mwamba	Case 4: Bashi-Kabwe
Wealth ranking	Very poor <i>Ababusu</i>	poor <i>Abalanda</i>	Well-off <i>Abaliko bwino</i>	Wealthy <i>Abakankala</i>
Household Size	7	6	6	3
Meals Consumed	159	139	97	91
Direct- use value	K556500	K417000	K291000	K136500
Number of <i>meda</i> sold	103	93	77	79
Direct- use value	K515000	K465000	K385000	K395000
<b>Total value</b>	<b>K1,071,500</b>	<b>K882000</b>	<b>K676000</b>	<b>K531500</b>

Source: Data recorded by female research assistants for morning and evening meals during the period 3 November 2000 - 30 October 2001. During the same period the number of 5 litre tin container (*meda*) of caterpillars sold were recorded.

Yet again the poorer households (cases 1 and 2) spend a lot more time and gather more caterpillars than wealthier households. For this reason, the direct use values for caterpillars for poorer households tend to be relatively higher than of wealthier households. This is true in the case of Bana-Chewe (case 1) who is a divorced female head of household and Bana-Sulako who is a widow (case 2). Their direct use values from caterpillars are as high as K1, 071,500 and K882, 000 respectively. It is also important to note that Bana-Chewe (case 1) has six dependants (three girls aged 18, 16, 13 and 11 and 2 boys aged nine and seven). She told me that her four daughters help her in collecting the caterpillars (*ukukola ifishimu*). In contrast, Bashi-Kabwe (case 4) a wealthy hybrid maize farmer has only two

dependants (a wife and a daughter aged 12). None of his family members go out to collect caterpillars because they are busy on the maize fields. Instead, he buys his caterpillars from others for consumption and re-sell. Bashi-Kabwe's household use value from caterpillars is as low as K531, 500.

In conclusion, there is no doubt that caterpillars (*ifishimu*) have a central place in the livelihoods of Kamena village communities' especially female-headed households, poor individuals and households. However irrespective of social and economic status, households at Kamena value caterpillars as a food and as a commodity for sale to locals and traders from outside the village communities. In the next section, I will now discuss issues regarding access and control over caterpillars (*ifishimu*) within the village territories.

#### **8.4.2 Resource tenure of caterpillars**

In theory, all wild products including caterpillars at Kamena are supposed to be freely and equally available to all legitimate members of the village communities. Sub-chief Binda told me that in the past villagers were under traditional obligation to give a portion of their collection to the sub-chief, but this is not the case any more. In fact nowadays, villagers have prior rights to wild products in fallow crop fields (*ififwani*) and in crop fields lately abandoned. Otherwise, individuals are within their traditional rights to collect caterpillars (*ukukola ifishimu*) wherever they so wish within sub-chief Binda's area or in Kamena. In practice, villagers find it convenient to collect caterpillars (*ifishimu*) near their village of residence.

All of my informants indicated that there has been a decline in quantities of the caterpillars (*ifishimu*) collected in Kamena in the last ten years. They attribute the decline in the quantities of the caterpillars to the cutting down of trees from whose leaves the caterpillars feed. Villagers in Kamena who wish to collect caterpillars in large quantities have now to go long distances and some times collect from neighbouring chiefdoms. The forestlands of sub-chief Mutale-Mukulu, which are east of Kamena, are well known for their large swarms of caterpillars (*ifishimu*) which are in season during November and December. Villagers from Kamena usually make expeditions into Sub-chief Mutale-Mukulu's area to collect the caterpillars (*ifishimu*). Bana-Chitalu a widow living in Chapewa village has been collecting caterpillars in Sub-Chief Mutale-Mukulu's area. I enquired of her about access to the caterpillars.

Caterpillars are now few here in Kamena, and my two daughters and I collect caterpillars from Mutale-Mukulu village. We have many relatives (*ulupwa*) living there so accommodation is not a problem. Every time we go there, we take with us our own food and stay for two weeks during which time we collect the caterpillars. Although the village people know us, we always go to the sub-chief to greet him and tell him about our intention to collect caterpillars. He is always happy to see us and to give us blessings for a good collection and protection from the many snakes in the area! After we collect the caterpillars, we are obliged to show respect (*umuchinshi*) by giving him a small portion of our collection. We also give a small portion of our collection to our host household (Interview with Bana-Chitalu, Chapewa Village, 13-03-2000).

In Kamena the common caterpillar host trees are *Julbernardia paniculata* (*mutondo*), *Julbernardia globiflora* (*mpasa*) and *Parinari curatellifolia* (*mupundu*). In some cases a few of these trees are located on residential sites and around *chitemene* crop fields. Of course, households have prior rights over caterpillars on trees located on their residential sites. Neighbours are usually allowed to collect after asking for permission (*ulusa*) as a matter of courtesy and respect (*umuchinshi*). It is important to mention that caterpillars on trees at residential sites are in small quantities and are usually collected for home consumption only. In most cases however caterpillar host trees are located on the village commons and uncultivated forest areas of big farms (*amafamu*) owned by wealthy (*abakankala*) households. As I pointed out earlier, the headmen (*bamwine mushi*) have the responsibility to ensure equitable access (*umulinganya*) to resources on the commons by all villagers. This means that by custom caterpillars on the village commons are supposed to be freely and equally available to all villagers. This was confirmed by Bana-Sulako a divorced woman living with five of her children who she supports partly by collecting and selling caterpillars when they are in season.

I collect caterpillars (*ifishimu*) from all over the village territory and even beyond. Collecting the caterpillars is time consuming, as they are not always found at one location but all over the chiefdom. As long as the chief gives his permission for us to start collecting no one can stop another from collecting caterpillars. Every one is interested in caterpillars because traders from town pay well for them. Even those

who own farms (*amafamu*) encourage us to collect from their farm and sell to them for cash or food. (Interview with Bana-Sulako, Chapewa Village, 8-07-2001).

Outsiders however, especially traders from towns are not allowed to go on to the village commons to collect caterpillars. They are only welcome as visitors who come to buy or barter their goods for caterpillars, which are collected and processed (*ukufubulula*) by locals. I asked Musonda, a caterpillar trader from the town of Ndola, to tell me how he sources his caterpillars.

I have been coming to Kamena to buy caterpillars since 1994. A friend who has relatives from here introduced me to the village headman. I'm now well known here especially by people from whom I buy the caterpillars by cash, salt, and soap cooking oil and clothing. I know the rules (*amafunde*) here, I can buy but I can not collect caterpillars for my self because I'm not from here. I'm not even interested in collecting the caterpillars (*ukukola ifishimu*) because it is a hard task and I'm not even familiar with the forests (*impanga*)! (Interview with Musonda, Kamena village, 13-11-2001)

In concluding this section, I must say that the caterpillars in Kamena are a common property resource largely managed by customary practices and traded with outsiders from towns. Thus, direct access to caterpillars (*ifishimu*) on the village territories in Kamena is exclusively reserved to members of the village communities and with permission to neighbouring village households. Even farmers who consider their land as private do not seem to mind caterpillar collectors on their land as long as a portion of the catch is sold to them. It is important to recall that the collection of the caterpillar (*ukukola ifishimu*) is associated to the Bemba spirit (*imipashi*) worship. It is held that ancestral spirits (*imipashi*) are responsible for a good or bad year of caterpillar season. Not even the wealthy farmers at Kamena would like to be responsible for a poor season of the caterpillars (*ifishimu*) by excluding fellow villagers from collecting on their farms.

## **8.5 Case study: Thatch grass and forest building poles**

### **8.5.1 Livelihoods context**

In this section, the case of thatch grass (*ichani*) and wild forest building poles (*ifilu, incheshi* or *insontal*) is used to demonstrate the contribution and importance of natural

resources in the livelihoods of rural communities. The case study is focussed on the use of thatch grass (*ichani*) and wild forest building poles (*ifilu, incheshi or insontal*) as construction materials on a household residential site (*pang'anda*). A residential site (*pang'anda*) at Kamena normally consist of several functional structures. Most important of these structures is the traditional house (*ig'anda*), which is an asset providing shelter, security, privacy, investment and indeed social identity of individuals and households.

Traditionally it is a man's responsibility to construct a house for his wife and his small children. Thus, men are the primary actors in house building. The traditional house (*ig'anda*) is made of a combination of forest tree poles (*ifilu, incheshi or insontal*), thatch grass (*ichani*) and clay. At Kamena, the traditional house is usually small, circular or rectangular and has only one room. Except during the rain season the house is not used as a sitting room but as a sleeping room. As I pointed out earlier in my discussion of tenure of crop fields in Chapter 6, there is no community of property between the wives of a polygamous man (*uwampali*). Thus, in a polygamous household, each wife is entitled to her own house a cooking shelter and granary (*ubutala*).

It is also considered undesirable for a "grownup" boy (*umulumendo*) or girl (*umukashana*) to sleep in the same house as his or her parents. Thus, separate huts are built on the residential site to accommodate grownup boys (*abalumendo*) and girls (*abakashana*). For this reason, a residential site (*pang'anda*) often has a main house and several huts (*amayanda*) according to a man's number of wives and indeed number of children and dependants. There are several other functional structures on a residential site made from a combination of thatch grass (*ichani*), poles (*ifilu, insonta and incheshi*) and clay. These include the cooking shelter (*umwakwipikila*), men's shelter (*insaka*), pit latrine (*ichimbusu*), bathing shelter (*ulusasa*) food drying platform (*ichintamba*) and chicken coop (*ichitele*).

There are of course a few houses built by wealthy households whose walls are made from sun dried clay bricks (*injelwa*), and thatch grass (*ichani*), iron or asbestos roofing. These houses are relatively substantial and usually consist of two or more rooms. A brick house (*ing'anda yanjelwa*) at Kamena has a prestige value as a symbol of social and economic success. However, for the majority of households the traditional pole, mud and thatch house is the affordable accommodation.



The construction of a traditional house (*ing'anda*) and other functional structures on a residential site is a process that involves several livelihood activities related to thatch grass and forest building poles. Various social actors as shown in Table 8.7 undertake the harvest of construction materials and tasks. Just as men and women are assigned different tasks in the *chitemene* system of agriculture, so too are they assigned different tasks in respect of harvesting of thatch grass, forest-building poles and of traditional house building. Consequently, particular tasks are termed men's tasks (*inchito yabaume*) and others as women's tasks (*inchito yabanakashi*). It is important to point out that both men and women take part in the harvest of thatch grass (*ichani*). However, women are the primary actors in harvesting and transporting of thatch grass to the residential site and for this reason some men regard this task as specifically meant for women (*inchito yabanakashi*). Traditionally men are responsible for cutting and transporting forest, building poles (*insonta* and *incheshi*) to the residential site.

**Table 8.7: Traditional house construction activities and primary actors**

<b>Activity</b>	<b>Primary actor(s)</b>
Cut and transport building poles ( <i>ifilu/ insonta</i> )	Men and older boys
Cut framework pieces ( <i>imango</i> )	Men and older boys
Cut and transport thatch grass ( <i>ichani</i> )	Women and older girls
Cut reeds ( <i>amatete</i> ) weaving the door	Men and older boys
Set out and make foundation slab ( <i>ichiputu</i> )	Men and older boys
Build house framework ( <i>ukubanga</i> )	Men and older boys
Thatching the roof ( <i>umutenge</i> )	Men and older boys
Wall construction with clay ( <i>ukumasa</i> )	Men, women, older boys and girls
Floor completion ( <i>ukulakubatila</i> )	Women and older girls
Making the door ( <i>ichibi</i> )	Men and older boys

Source: Focus group discussion with house builders: Kamena School, April 2000

**Table 8.8: Forest trees and their functions as building poles**

<b>Bemba name</b>	<b>Scientific name</b>	<b>Building function</b>
<i>Musuku</i>	<i>Uapaca kirkiana</i>	Roofing poles ( <i>insonta</i> )
<i>Musase</i>	<i>Albizia antunesiana</i>	Roofing poles ( <i>insonta</i> )
<i>Mupundu</i>	<i>Parinari curatellifolia</i>	Roofing poles/ wall poles ( <i>insonta/ ifilu</i> )
<i>Muombo</i>	<i>Brachystegia boehmii</i>	Roofing poles ( <i>insonta</i> )
<i>Mutondo</i>	<i>Julbernardia paniculata</i>	Wall support poles ( <i>ifilu</i> )
<i>Musompa</i>	<i>Brachystegia manga</i>	Wall support poles / rope ( <i>ifilu/ ulushishi</i> )
<i>Mpasa</i>	<i>Julbernardia globiflora</i>	Rope ( <i>ulushishi</i> )
<i>Mutobo</i>	<i>Isoberlinia angolensis</i>	Wall support poles / rope ( <i>ifilu/ ulushishi</i> )
<i>Mubanga</i>	<i>Pericopsis angolensis</i>	Pillars ( <i>incheshi</i> )

Source: Focus group discussion with house builders: Kamena School, April 2000

Forest poles are one of the most important construction materials of household dwellings and other residential site structures at Kamena village communities. Table 8.8 shows various local trees and their functions as building poles on the framework of a traditional house (*ing'anda*). Although adult men are the primary actors in traditional house building, young people and women are associated with some specific tasks. If they are not members of the household, they expect to earn some money or food from the owner of the house under construction.

A skilled traditional house builder is required to set out and supervise assistants in the construction of the house foundation (*ichitupu*), wall framework (*ukubanga*) and to thatch the roof (*ukufimba umutenge*). Thatching is a craft and requires the skill of an experienced craftsman and assistants. After the job is done there should be no leaks during the rain season and the roof should withstand high velocity winds common in July and August (*pamwela*) without movement of thatch material. Because of the limited life span of thatch grass, roofs are repaired every other year to avoid leaks during the rain season. Thus every year a number of households are either replacing the whole roof of a house or merely repairing some parts of the roof. Usually two types of grass *ulweo* and *ichani* are used in the process of thatching. The people at Kamena prefer *ulweo* to *ichani* because it compacts well and has a longer life span. However, *ulweo* is scarce than *ichani* and people just have to make do with what is available.

The women specialise in plastering (*ukushingwila*) the inside and outside of the walls using a smooth mix of anthill clay and water. The surface of a mud wall exposed to weather makes it necessary for women to apply fresh plaster (*ukushingwila*) every other

year. It is clear that the construction of a traditional house (*ing'anda*) with forest poles, mud and thatch grass presents an opportunity for some men, women and children to earn money or food from the host household. Indeed some labour is also rendered based on goodwill and reciprocity. Apart from the house builder people are hired or simply render help to cut grass (*ukufula ichani*), forest poles (*ifilu*), and draw water, tread mud and plaster (*ukushingula*) the house. Bwalya a newly married man building a house at his mother's village exemplifies these points.

Building a house (*ing'anda*) is very involving and requires a lot of resources and friends to help. A few people are willing to help you out without payment. Others have to be paid for their work on your house. I have had to cut and transport the building poles (*ifilu*) while my wife has been cutting and transporting thatch grass (*ichani*). However, it is clear to us that we shall have to hire some people to cut and transport grass because we are running out of time, otherwise the rains will disturb with the construction. Members of a church choir have agreed to cut the grass for a fee. I have also spoken to a builder who has agreed to start building the house soon as we are ready with the thatch grass and poles. I'm lucky because the builder is a relative (*lupwa*) so, I shall have to pay him and his assistants only with a beer party (*ukutumya*) (Interview with Bwalya, Kasonde Village, 7-06-2000).

Mobilisation of the required labour for house building and maintenance is not an easy matter especially for poor people (*abalanda and abasusu*) in particular widows (*bananfwilwa*) and single mothers. The leaking roof maintenance plight of Bana Chanda a widow (*bananfwilwa*) living at Chapewa Village is illustrative of this point.

I came back to my mother's village here at Chapewa after my husband died in the year 1998. Since then, I have been living with my four children in a house, which my brother built for me. However, the thatch grass (*ichani*) on the roof of my house has since started leaking. Last year I organised a work party of four women to help me cut the grass (*ichani*). I killed two of my big chickens and prepared a meal for the women and girls who helped me. Before the rains started last year, I pleaded with my brother to repair my roof and every time he promised to do it soon. He never got round to doing it and I have spent this rainy season with a leaking roof. I have since decided to get it done through a beer party (*ukutumya*) for an experienced house builder and his assistants to do it for me. I have no option but to use some of my millet otherwise I will

again spend another rainy season with a leaking roof (Interview with Bana-Chanda, Chapewa Village, 9-01-2001)

It should be noted that in order to reduce the cost of construction members of the household usually carry out many of the tasks that do not require specialist skills. Labour is also hired to speed up the harvest of thatch grass and building poles. In the next section, I discuss the social differences that influence the use patterns of thatch grass and forest building poles in the construction of houses and other functional structures on residential sites at Kamena.

*(i) Social differences*

It is important to point out that for all individuals and households at Kamena thatch grass and forest building poles are vital in the construction of houses and several functional residential site structures. However, there are some social differences amongst individuals and households, which influence use patterns of thatch grass (*ichani*) and forest building poles (*ifilu and insonta*). Notable in this regard are differences in wealth, and exposure to an urban life. Differences in wealth provide insights on usage of thatch grass (*ichani*) and forest building poles (*ifilu and insonta*) by households.

As pointed out earlier, in Kamena houses made of bricks having asbestos or iron roofs are expensive and are associated with the relatively wealthy individuals or households (*abalikobwino* and *abakankala*). These are mostly individuals or households who have spent a part of their lives working in the urban areas of Zambia and have come back to settle at Kamena. Usually wealthy households live on demarcated farms (*amafamu*) where they have built modern brick houses and they are often engaged in hybrid maize cash cropping and some of them own the local grocery shops (*utuntemba*). However, for many poor households (*abasusu* and *abalanda*) the traditional house made from mud, forest poles (*ifilu* or *insonta*) and thatch grass (*ichani*) is the affordable house. Thus, most poor people at Kamena live in traditional houses because they can not afford the building materials and brick laying skilled labour required to build the modern brick and iron roof houses. In addition a house built from mud, forest poles and thatch grass requires very little and inexpensive maintenance. Therefore, for poor individuals and households (*ababusu* and *abalanda*) forest building poles (*ifilu* and *insonta*) and thatch grass (*ichani*) are a very important resource of house building.

The fact that thatch grass and forest pole houses are strongly associated with the poor, does not mean that the wealthy of Kamena do not use these materials for constructing houses and other functional structures on their residential sites. The wealthy (*abakankala* and *abalikobwino*) individuals and households are also interested in the practical value of forest building poles (*ifilu* or *insonta*) and thatch grass (*ichani*) as building materials. I have visited many farms belonging to wealthy people and I have observed that they all have some structures built from forest poles and thatch grass. In fact in many cases, it is only the main house in which the head of household lives which is built of bricks and iron or asbestos roof. In some cases, some brick houses have thatch grass (*ichani*) roofs. The owners think that modern brick houses (*ing'anda yanjelwa*) are enhanced and complemented by aesthetic beauty of forest poles and a thatch grass roof. This is confirmed by Bashi-Mwamba a wealthy hybrid maize farmer whose house is made of bricks and a thatch grass roof. I asked him why thatch grass was used as roofing material for his brick house and not iron or asbestos.

I like the natural handcrafted beauty of the thatch grass (*ichani*) roof. It is better looking than the iron roof of the house I used to live in Kabwe town. In addition to its natural handcrafted beauty, thatch grass protects us from extremes in weather. It is warm in winter and cool in summer. Thatch grass also provides good insulation from noises especially from heavy rains. Forest poles and thatch grass are adaptable building materials which as you can see here on my farm can be erected on almost all size or shapes of buildings as one desires. My maize shed, my storeroom for tools my wife's granary and all my children's huts are built from mud, forest poles and thatch grass. Even more important thatch grass and forest building poles are easily available in this village. Of course I employ some people to harvest them for me but the cost is relatively smaller than if I were to buy modern building materials (Interview with Bashi-Mwamba, Kamena Village, 13-09-2000)

Bashi-Kabwe another wealthy hybrid farmer living at Kamena village provides a contrasting scenario in respect of use of thatch grass as roofing material. He has a two-bedroom brick house with a kitchen and sitting room. The house has iron roof sheets and two other storerooms at his residential site are made of bricks and have asbestos roofs. Only his wife's granary is made of a mud wall, and a roof made of forest poles and thatch grass. He told me that he has lived for most of his life in a brick house in the capital city of

Lusaka where he worked for one of the local hotels. The first thing he did when he got back to settle at Kamena was to build a brick house similar to the one he lived in while in Lusaka. He points out that he has used bricks and asbestos roofing sheets for his storerooms because he does not want to waste time making repairs every other year.

Evidence from this discussion shows that thatch grass (*ichani*) and forest poles (*ifilu* or *insonta*) together with mud clay are the main building materials of the traditional house (*ing'anda*) and other functional structures on the household residential site. It is also clear that those who can afford to are tending to use bricks, iron and asbestos roof materials to construct their houses and other structures. However even wealthy individuals and households do appreciate and make use of thatch grass and forest building poles as building materials.

*(ii) Household direct-use values from thatch grass and forest building poles*

In this section, I specifically focus the discussion on the economic or monetary importance of thatch grass (*ichani*) and forest building poles (*ifilu* or *insonta*) using households differentiated according to wealth categories. I'm doing this by estimating the value obtained by households by using thatch grass and forest building poles to construct a house or hut on their residential sites or through local sales of harvested thatch grass and forest poles. I have calculated the direct use values by multiplying the number of forest building poles or number of bundles of thatch grass used or traded by a household by the average local price. The average prices of a bundle of thatch grass (*umwanshi*) and forest building poles (*ifilu* and *insonta*) used in the calculations of direct use values are those quoted by informants during the period November 2000 to October 2001 at Kamena.

The unit measure of thatch grass is a bundle (*umwanshi*) measuring about 300 mm in diameter and roughly 1.5m long. The average price for the bundle used in the calculations is K1000. As I pointed out earlier women are the primary harvesters of thatch grass and most of them are poor and desperate for money when they bargain with wealthy individuals. I enquired for the price of a thatch grass bundle from Bana-Chewe. She is a poor widow of Binda village who usually trades in thatch grass. She lamented:

You take what ever they offer you, some millet, even K500 as long as it helps in feeding your children or buying schoolbooks. If you refuse, others will agree, so you

take what they offer you. When they offer little payment then I collect more, some times I collect 4 or even 5 bundles in a day so that the payment is better (interview with Bana-Chewe, Binda Village, 20-10-2000).

**Table 8.9: Household direct-use values from thatch grass and forest poles**

	<b>Case 1: Bana Chanda</b>	<b>Case 2: Bashi- Chewe</b>	<b>Case 3: Bashi-Mwamba</b>	<b>Case 4: Bashi-Kabwe</b>
<b>Wealth ranking</b>	Very poor ( <i>ababusu</i> )	Poor ( <i>abalanda</i> )	Well-off ( <i>abaliko bwino</i> )	Wealthy ( <i>abakankala</i> )
<b>Thatch grass (<i>ichani</i>)</b>				
<b>Bundles used / comment</b>	210 / new hut	55/ repairs	208 / new house	190 / new storeroom
<b>Direct- use value</b>	K210, 000	K55, 000	K208, 000	K190, 000
<b>Bundles sold</b>	154	186	0	0
<b>Direct- use value</b>	K154,000	K186, 000	0	0
<b>Sub-Total</b>	<b>K364, 000</b>	<b>K241,000</b>	<b>K208,000</b>	<b>K190, 000</b>
<b>Forest building poles (<i>Ifilu</i> or <i>Insonta</i>)</b>				
<b>Poles used</b>	160	0	164	155
<b>Direct- use value</b>	K80000	0	K82, 000	K77, 500
<b>Poles sold</b>	0	180	0	0
<b>Direct- use value</b>	0	K 90, 000	0	0
<b>Sub-Total</b>	<b>K80, 000</b>	<b>K 90, 000</b>	<b>K82, 000</b>	<b>K77, 5000</b>
<b>Total</b>	<b>K444, 000</b>	<b>K331, 000</b>	<b>K290, 500</b>	<b>K267, 500</b>

Source: Data recorded by the researcher through interviews (November 2001).

Thus, the price for a bundle of thatch grass could be as low as K500. I should also point out that women traders of thatch grass (*ichani*) rarely ask for cash from their customers. Often a time a bundle (*umwanshi*) of thatch grass is exchanged for food or other household basic requirements (millet, salt, bath soap, children's schoolbooks etc). On some occasions women simply cut and transport thatch grass (*ichani*) as a work party to assist another woman who at the end of the day rewards them with a sumptuous meal. This of course is done in the spirit of reciprocity in which friends, neighbours, and relatives are requested or invited (*ukwita*) to participate.

At a focus group discussion, experienced traditional house builders informed me that it takes about 200 bundles of thatch grass to complete the roof of a medium size hut. At a

price of K1, 000 per bundle (*umwanshi*) then about K200, 000 worth of thatch grass is required to complete a medium size house. The cost of thatching the roof is about K 50, 000 and wealthy households some times pay cash. In most cases however, payment for roofing is made through a beer party (*ukutumya*) for the builder and his assistants. Poor people (*ababusu* or *abalanda*) do not usually have resources to organise a beer party. In such cases the man of the house cuts the forest poles over a long period and puts them aside until he has sufficient to construct the house. In some cases wealthy individuals hire men to harvest forest-building poles at a price of K500 per pole. Experienced traditional house builders estimated a figure of about 170 poles required in constructing a medium one room circular house of about 5m in diameter.

In order to capture differences in direct-use values between households, I interviewed husbands and wives of case study households about the number of thatch grass bundles and forest-building poles used in house construction or maintenance during the year 2001. Table 8.9 shows household direct-use values from thatch grass (*ichani*) and forest building poles (*ifilu* or *insonta*) of four households differentiated according to wealth categories. Again, I must stress that the direct use values presented in Table 8.9 are gross values. They exclude costs of inputs such as labour and transportation.

An important observation about all the four case study households presented in Table 8.9 is that they all benefit from the use or sale of thatch grass (*ichani*) or forest building poles (*insonta*). All households constructed a new structure using thatch grass and forest poles or harvested and sold either thatch grass or forest poles during the field work period (2000-2001). This evidence emphasises the importance of thatch grass and forest building poles in the livelihoods of Kamena village communities. The evidence also shows that both poor households and wealthier households appreciate the practical value of thatch grass (*ichani*) and forest building poles (*ifilu* or *insonta*) as building materials.

Another point of importance to note is that the poorer households in particular Case 1 and Case 2 tend to maximise their earnings from thatch grass and forest poles by harvesting for use on their residential site and for sale. Thus, usually the direct use values for thatch grass and forest building poles for poorer households tend to be relatively higher than of wealthier households. In the case of Bana-Chanda who is a widow (case 1) for example the direct use values from thatch grass (*ichani*) and forest poles were as high as K444, 000.



She harvested 210 bundles of thatch grass (*ichani*) to construct a roof for her new house and she harvested and sold 154 bundles of thatch grass (*ichani*). In addition, some men whom she paid by way of a beer party (*ukutumya*) harvested 160 forest poles for her for the roof framework. Similarly, Bashi Chewe's wife (case 2) harvested 55 bundles of thatch grass used to repair the roof of the main household house, and 186 bundles of thatch grass for sale. In addition, Bashi-Chewe was also hired to harvest 180 forest building poles. In contrast the wealthier households (Cases 3 and 4) hired people to harvest thatch grass and building poles and did not sale any of these two resources. As in Case 4 direct use values from thatch grass and forest building poles can be as low as K267, 500.

In conclusion, it is important to note that thatch grass and forest building poles have a central place in the livelihoods of people in Kamena especially poor individuals and households. Irrespective of social and economic status households in Kamena acknowledge the value of thatch grass and forest poles as residential site construction materials. Various people derive different forms of income from these two resources. Some people harvests thatch grass and use it or sell it. Others buy it to use on their residential site and others benefit from the construction process by offering their labour and skills. In the next section, I will now discuss issues regarding to access and control over thatch grass and forest building poles within the village territories. In particular the discussion will centre on resource tenure practices and institutions with regard to thatch grass and forest building poles.

### **8.5.2 Resource tenure of thatch grass and forest building poles**

I have shown that thatch grass (*ichani*) and forest poles are the main construction materials of structures on household residential sites at Kamena village communities. No one at Kamena however cultivates thatch grass (*ichani*) or trees from which building poles are harvested. The regeneration of thatch grass (*ichani*), and forest trees in many parts of the village territories is by natural means only and is part of the seasonal cycle at Kamena. Thatch grasses (*ichani*) and trees from which building poles are harvested grow in the village commons (*mumpanga*), and around individual crop fields (*chitemene* fields, *fundikila*, and permanent crop fields - *amafamu*). Thatch grass is also encountered on fallow fields (*amabala*) around residential sites (*pang'anda*).

Some particular types of thatch grass, for example the fine thatch grass (*ulweo*) grows primarily on wet lands (*mwilungu* or *munika*) near streams or rivers. The more coarse thatch grass (*ichani*) is generally found in relative abundance on disturbed soils especially villages that have been deserted (*ifibolya*) and fallow crop fields. Especially women often protect thatch grass on fallow crop fields, and ownership of such grass depends on the ownership of the crop field of land on which the grass happens to be growing. Thus, the woman or man on whose field it is growing often controls access to protected thatch grass (*ichani*) growing on fallow land (*ichifwani*).

Thatch grass starts growing during the early days of the rain season. It is left to dry during the dry season, towards the end of dry season, it is cut and gathered mostly by women and older girls, and what is not gathered is later burned in the fields. In particular thatch grass is harvested during winter months (*mumpepol pamwela*) from May to September. There is a rule that forbids starting of fires on the commons during the period from May to September otherwise nearby crop fields and thatch grass in the commons may catch fire. Only grass that is harvested during this period is suitable for thatching because it is fully grown, has lost its seed and is completely dry. The forest building poles for construction of men also cut the wall and roofing (*incheshil insonta*) during the period from May to September.

As I discuss tenure of thatch grass (*ichani*) and forest trees from which poles are harvested, it is important to bear in mind that rights in crop fields and surrounding areas to crop fields are essentially individual. The practice at Kamena is that the owner of a crop field also has prior rights to wild products on *chitemene* and *fundikila* crop fields which, are in fallow. Thus, although thatch grass is self-sown, it is considered normal for individuals and households to protect and claim ownership of patches growing on or near their *chitemene* and *fundikila* crop fields. Consequently, access to thatch grass growing on *chitemene* and *fundikila* crop fields is reserved to members of the household owning the field. Therefore, the most convenient sites for women and their household members to collect thatch grass are the fallow *fundikila* or *chitemene* crop fields nearest to their residential site. Relatives, neighbours and other members of the village community are expected to show courtesy and respect (*umuchinshi*) by asking for permission (*ukulomba ulusa*) before harvesting thatch grass or poles from trees growing on or near an individuals crop field. However in as far as uncultivated land or village commons (*mumpanga*) or abandoned crop fields are

concerned any member of a village community can select a patch of suitable thatch grass (*ichani*) and harvest it.

As I pointed out in Chapter 7, it is difficult to find a site, which does not have a history of ownership at Kamena. Therefore, people are always careful in exercising the freedom to harvest thatch grass from “virgin land”. Usually an individual wishing to harvest thatch grass normally makes enquiries on ownership of the site and if the site is owned the individual then asks for a favour (*ukulomba*) to harvest the grass. This is important especially with the advent of *fundikila* system of farming which is dependent on burning a mixture of grass and bush to provide nutrients for the staple millet crop. Grass therefore is protected for both thatch and manure purposes in *fundikila* crop fields. For this reason, some households do not allow other people to harvest grass from their fallow field crops. Bana-Chanda explained:

It is not good to allow people to harvest grass from your fallow crop fields. When the grass takes root in your fallow field it should be protected so that it can be used later together with bush material as manure for *fundikila* crop fields. When you allow people to harvest grass from your fallow fields, you should be prepared to fallow your land for much longer. I don't mind members of my household (*abamung'anda*) harvesting grass from my fallow fields because we bear the consequences together. Other people should harvest thatch grass from their own fields or uncultivated land (*mumpanga*). (Interview with Bana-Chanda, Chapewa village, 10-01-2001)

I have observed in Chapter 7 that there is a relative scarcity of trees suitable for cut and burn (*chitemene*) farming system at Kamena. The situation with regard to trees for building-poles (*ifilu* or *insonta*) is the same. There is competition for forestland because of its potential for both cut and burn (*chitemene*) farming system and as a source of timber for building-poles. Large tracts of land within the village territories have been demarcated as farms (*amafamu*) and owners are in the process of converting tenure from customary to statutory tenure. Most of this land is uncultivated and is endowed with trees suitable for building poles (*ifilu* or *insonta*). Although the “owners” of such land have no title deeds yet, they consider such land as strictly private property.

In order to gain access to forest building poles a man has to politely negotiate or request (*ukulomba*) for permission from the farm owner. The farm owner would normally not refuse but would ask the other to cut some building poles for him in return for permission granted. Out of gratefulness (*ukutotela*), sheer politeness, or respect (*umuchinshi*) for the farm owner a man cuts his poles and also makes a gift (*ubupe*) from his harvest to the farm owner. In some cases, the farm owner simply refuses to grant permission for another to harvest forest-building poles (*ifilu* or *insonta*). Some people are not happy with this type of arrangement and blame the loss of their right to harvest forest building poles or other natural resources on the law for conversion of tenure. Kabundi had this to say:

These farmers have taken up large tracts of land which they are not cultivating but are simply claiming power (*amaka*) over it because they have land papers (*ifipepala fyanpanga*). This is a bad law because the trees grow without any one lifting a finger (*umunwe*) and some one claims ownership! We can not even complain directly to these farmers because they are wealthy and we depend on them for piecework (Interview with Kabundi, Binda village, 9 - 05 - 2000).

The major complaint here is that of appropriation of the community natural resources for exclusive individual use by the elite and wealthy (*abakankala*) farmers especially forest trees from which building poles (*ifilu* or *insonta*) are harvested. It is also true that subsistence farmers depend on maize cash crop farmers for piecework in which they enter informal contracts to be paid in kind or in cash for services rendered. This dependency of the poor (*abalanda*) on the wealthy (*abakankala*) for piecework makes it difficult for the poor farmers to openly speak against wealthy cash crop farmers on land and natural resource issues. However, complaints against farmers converting tenure with regard to impeding villagers' access to building poles and other natural resources (*ifisabwa*) have already been lodged with the local sub-chief. Bashi-Mwamba a wealthy farmer of Kamena told me about his case:

Some people from the village have reported me for impeding villagers from harvesting building poles (*ifilu* or *insonta*) and other natural resources (*ifisabwa*) from my farm. The sub-chief summoned and admonished me. He said that I had misunderstood the whole idea of a farm at Kamena. He explained that the idea of granting land to an individual for a farm (*ifamu*) was not meant to give away village land and resources to one individual. It was meant as a way of providing land for

cultivation to serious cash crop farmers (*bashi-mafamu*). He went on to state that the people (*abantu*) were not willing to lose control of any land to one individual within the village territories. Secondly, the sub-chief said that I was only cultivating a small portion of the land granted for a farm. Thus, he ruled that it was in order for people (*abantu*) to continue gathering of wild foods, harvesting of building poles and fuel wood, and to even enjoy the right of way (*ukupita inshila*) on uncultivated land on my farm. However, he pointed out that villagers should not cut trees for *chitemene* gardens as only I had the right of cultivation on my farm. I said nothing because the chief was upset and a chief is a chief (*imfumu ni mfumu*)! (Interview with Bashi-Mwamba, Kamena Village, 13-09-2000)

It is the responsibility of the sub-chief (*imfumu*) to ensure equitable access (*umulinganya*) to resources on the commons by all villagers. It is clear in the case above that the sub-chief was trying to protect the rights of access of the common villagers to building poles and other natural resources on all uncultivated land in the village territories. However, his position on conversion of tenure clearly shows the reluctance of the village community to give up the rights of access to natural resources to registered farm owners. Farm owners are not happy with this position but they also know that until the conversion of tenure is completed, the land and resources on it are still under customary tenure. Meanwhile wealthy (*abakankala*) farmers converting tenure remain troubled over trespass and encroachment on their farms while poor villagers (*abalanda*) are insecure with regard to future access to natural resources on registered farms.

## **8.6 Summary**

I have in this chapter, analysed empirical data to understand property in natural resources and the role and contribution of natural resources in the livelihoods of individuals and households at Kamena. In my analysis of fieldwork data the following points have emerged:

At Kamena, the village commons constitute uncultivated land from which villagers share access to natural resources required in constructing their livelihoods. The village commons are subject to multiple resource use by villagers and are under the control of the village headmen or sub-chief. Thus, an open access situation with regard to natural resource use does not exist at Kamena. One can safely say that access to natural resources outside ones

residential site or crop field requires one to nurture the social networks of kinship and community that enable such resources to be secured and sustained.

Evidence has shown that irrespective of social and economic status of individuals and households natural resources are important for home use or consumption and as a source of income in kind or in cash. However, there are social differences, which influence use patterns, important of which, are differences in gender and wealth. Women in general and poor households are more dependant on resources harvested from the village commons than wealthy households who often have a steady income from their agriculture and non-farm income activities. In addition, my observations at Kamena have confirmed the importance of communal resources as a safety net for the poor. In particular during the 'hunger period' (November to early March) when household stocks of cultivated relishes are at their lowest levels for the poor wild vegetables, mushrooms and caterpillars become an important source of relish.

The meaning of conversion of tenure remains unclear to the ordinary villager and even to the sub-chief and headmen especially in respect to access to natural resources. It is not clearly understood that the act of converting customary tenure, in effect means that customary land tenure rules cease to have effect with regard to that particular parcel of land. This is a cause of misunderstandings that are bound to increase as population increases and as more farmers take to conversion of tenure thereby reducing the amounts of commons within the village territory accessible to the poor. Currently the existing land tenure situation in the village communities is paradoxical. The elite of the village sees conversion of tenure as a safe guard of title to land. In contrast, the majority who are often poor subsistence farmers view it as a threat to their customary rights to natural resources. From the economic perspective, the conversion of land from customary tenure to statutory tenure is simply a legal transaction, which may support commercial use of land. However, from a social view of the village community, it is a transfer of power over land from the chief, headmen and village community to an individual. It compromises poor people's livelihood strategy of access to natural resources on the commons<sup>23</sup>.

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<sup>23</sup> The negative outcomes of conversion of tenure on poor people in rural Zambia are similar to effect of 16<sup>th</sup> century land enclosures in England in relation to compromising poor people's livelihoods (Briscoe 2001).

Conflicts over rights to natural resources on the village commons illustrate how social relations affect access and control over natural resources. People of different wealth categories and interest groups struggle with each other over how natural resources on the commons and *de facto* private lands are to be used. At Kamena the poor are imbued with the idea that they are being dispossessed of property rights in natural resources which they have held from time immemorial. Here there is a lesson to be learnt by government, and a question remains to be answered: should the land law stand as it is? It is important for government policy to recognise the important role and contribution of natural resources, which, are managed as common property resources in the livelihoods of rural people. The present conflicts on access to natural resources should be taken seriously as indicators of a land-tenure policy, which requires reform in order to reduce social tension and to improve rural livelihoods.

## CHAPTER 9: TENURE OF CROP FIELDS AT ST. JOSEPH

### 9.1 Introduction

In Chapter 6 I used the ‘community characteristics and livelihoods’ component from the land tenure and rural livelihoods analysis checklist to discuss characteristics of St. Joseph and to analyse livelihoods of households. This was done as a means of capturing community assets and vulnerability context in which households create their livelihoods. In a similar manner to Chapter 7, in this Chapter I use the ‘land tenure system and livelihoods’ component from the analysis checklist (section 3.8.3, Chapter 3) to analyse the role of land tenure in rural livelihoods in particular tenure of crop fields in the second study site St. Joseph.

As in the case of Kamena in Chapter 7, the focus of analyses is on the changing socio-economic realities in respect of land tenure and livelihoods of individuals and households within the village community. The object is to understand how arable land, which is an essential resource for cropping, is accessed, acquired, used, and contested by individuals and households of different social status. Thus, I have used a similar presentation structure and layout as that used in Chapter 7 and continue to argue that social difference or inequalities based on gender, wealth and descent have an influence on an individual’s or household’s access or tenure of land. These differences influence the power and authority of individuals in households and in villages with regard to access and control over crop fields. The methods and period of research are the same as that of Kamena in Chapter 7.

### 9.2 Land in St. Joseph

Land at St. Joseph is the basis of social life and livelihoods. It is a valuable asset within village people’s livelihood activities. The villagers define ‘land’ by using the term *impanga*. The term *impanga* is used to stand for a combination of various land types such as wetland (*ilungu*), open bush land (*ichitumbo*) and forestland (*iyamba*). The view of the people is that land is a heritage from God (*Ba-Lesa*) and that it belongs to all of them as a tribe, with the Chief (*imfumu*), Chief’s advisers (*bafilolo*) and headmen (*bakulu-bamushi*) taking the role of stewardship (*ukusunga*). Asked about the ownership of village land an old man from Safeli Village explained:



The headman (*bakulu-bamushi*) here in Safeli village allocates land to men and women heading homes (*amayanda*) according to their needs. It does not belong to one person at all; it belongs to all the people (*abantu*) here in the village. The Chief (*imfumu*), Chief's advisers (*bafilolo*) and the headmen (*bakulu-bamushi*) all speak for us the people (*abantu*). (Interview with Ba-Tameli, Safeli village, 25-06-99).

This view is in line with the opinion of most villagers who point out that access to village land is a right for all resident villagers. Thus, in keeping with the Lamba matrilineal customary rules of access to land, individuals in general acquire land from headmen (*bakulu-bamushi*) in the villages in which they were born and brought up. At present there is no critical shortage of land in St. Joseph. The villages are not only small but are also dispersed. In general, the scarcity of land at St. Joseph is more with regard to quality rather than quantity. It is the best type of land that is relatively scarce, for instance land with trees for cut and burn (*fiteme*) crop fields and riparian land for market gardening (*amagaladeni*). In the next section, I discuss how the people at St. Joseph acquire land for residential sites and cropping purposes.

### **9.3 Methods of acquiring land**

From the outset, it is important to state that in St. Joseph, it is only men and women residing in a village territory that can acquire land for cultivation. This includes firstly, the matrilineal extended family of the headman forming the core of the village. Secondly, it includes some patrilineal relatives of the headman. Thirdly, marital relatives (*abako*) and strangers or outsiders (*abensu*), who have neither blood, tribal or marital connections to the village headman but have his permission to live in the village can also acquire land. At each village, the headman (*bakulu-bamushi*) is responsible for administering and allocating land.

In a questionnaire survey, a random sample of 36 heads of households (Safeli: village 9, Mupopele village: 10, Chibundi village: 14, and Chamina village: 4) was asked to indicate how the land they are cultivating was acquired. Table 9.1 below shows the results, which are summarised per village and aggregated for the four case study villages at St. Joseph. The survey revealed that land at St. Joseph is acquired in five basic ways.

**Table 9.1: Methods of acquiring land in St. Joseph**

<b>Village and Method of acquiring land</b>	<b>Number of fields</b>	<b>% of fields</b>
<b>Safeli Village</b>		
Showing of vacant land ( <i>ukulanga</i> )	10	55.6
Inheritance ( <i>ubupyani</i> )	4	22.2
Buying ( <i>ukushita</i> )	3	16.7
First bush clearing ( <i>ifiteme</i> )	1	5.5
<b>Village total</b>	<b>18</b>	<b>100</b>
<b>Mupopele Village</b>		
Showing of vacant land ( <i>ukulanga</i> )	9	56.3
First bush clearing ( <i>ifiteme</i> )	2	12.5
Inheritance ( <i>ubupyani</i> )	2	12.5
Buying ( <i>ukushita</i> )	2	12.5
Gift ( <i>ubupee</i> )	1	6.2
<b>Village total</b>	<b>16</b>	<b>100</b>
<b>Chibundi Village</b>		
Showing of vacant land ( <i>ukulanga</i> )	12	63.2
Inheritance ( <i>ubupyani</i> )	3	15.8
First bush clearing ( <i>ifiteme</i> )	2	10.5
Buying ( <i>ukushita</i> )	2	10.5
<b>Village total</b>	<b>19</b>	<b>100</b>
<b>Chamina Village</b>		
Showing of vacant land ( <i>ukulanga</i> )	6	75
First bush clearing ( <i>ifiteme</i> )	1	12.5
Inheritance ( <i>ubupyani</i> )	1	12.5
<b>Village total</b>	<b>8</b>	<b>100</b>
<b>Village Totals</b>		
Showing of vacant land ( <i>ukulanga</i> )	37	60.7
Inheritance ( <i>ubupyani</i> )	10	16.4
Buying ( <i>ukushita</i> )	7	11.5
First bush clearing ( <i>ifiteme</i> )	6	9.8
Gift ( <i>ubupee</i> )	1	1.6
<b>Total</b>	<b>61</b>	<b>100</b>

Source: Fieldwork (questionnaire survey), April 2000

These are first bush clearing (*ifiteme*); showing of vacant land (*ukulanga*); inheritance (*ubupyani*); gift (*ubupee*) and buying (*ukushita*). The 36 sampled households owned 61 crop fields. The most commonly used method of acquiring land at Kamena is showing of vacant land (*ukulanga*). It accounted for 60.7 per cent of the fields. The second most used method is inheritance (*ubupyani*), accounting for 16.4 per cent of the fields. Buying of land (*ukushita*) 11.5 percent follows this, then first bush clearing (*ifiteme*) 9.8 per cent and gifts (*ubupee*) 1.6 percent. In the next section, I discuss these methods of acquiring land in more detail.

### 9.3.1 First clearing of land

First clearance of land based on cut and burn shifting cultivation (*ifiteme*) was in the past the traditional land acquisition method of the Lamba people of St. Joseph (Trapnell and Clothier, 1996). Today however, today the cut and burn (*ifiteme*) system of agriculture prevalent in most parts of rural Zambia is no longer common among the Lamba of St. Joseph. Table 9.1 shows that only 9.9 percent or 6 out of 61 sampled fields are acquired through direct *ifiteme* method. The density of the population and the depletion of trees through charcoal burning (*ukocha-amalasha*) has made it very difficult for people to continue to practice the traditional cut and burn (*ifiteme*) system of agriculture. Most of the land surrounding the villages in St. Joseph is open grassland. On one of my transect walks in Chibundi village I asked one of the men in my company if the area had always been grassland. He answered:

When I was young during the 1960s, there was plenty of virgin land with trees (*iyamba*). My mother had several *ifiteme* cut for her by my father. In these fields, she grew her sorghum (*amasaka*) and other vegetable crops. Then my mother did not have to go far for firewood (*ikuni*). It was just behind the house (*palukolo*). Those days men also did not have to go far looking for trees to cut for *ifiteme*. We the Lamba people did not even cut trees for charcoal burning (*ukocha-amalasha*). People of the Kalubale tribe who came to live with us here in the late 1960s began to burn charcoal for sale to people in townships of the towns Kalulushi and Kitwe. Then we all began to do both, cutting trees for charcoal (*amalasha*) and for sorghum (*amasaka*). Look now there are no more trees here only elephant grass (*imisanse*)! You are lucky to find trees for *ifiteme* or *amalasha*. (Interview with Bashi-Rhoda, Chibundi village, 14-06-99)

A few people are still practising the *ifiteme* shifting cultivation system on a small scale to grow the staple grain sorghum and millet in distant forests (*kumutunta*) from the villages. Although rare some individuals are able to directly acquire land within the village territory, which they perceive to be abandoned. This is not advisable as it may later result in a dispute with a claimant who may argue that the land is not abandoned, thus, before taking up new land it is always advisable to seek guidance the village *bakulu-bamushi*.

### 9.3.2 Showing of vacant land

In keeping with the traditional belief that access to village land is a right for all residents of the village, land is allocated to all household heads according to their needs. Showing of vacant land (*ukulanga*) is one of the most important responsibilities of a headman (*bakulu-bamushi*) and the headman's advisory group (*ichilye*). The village headman (*bakulu-bamushi*) selects this group usually from his matrikin. Although the law provides that there shall be a Village Production Committee (VPC) whose members should be elected by popular vote (Republic of Zambia 1971), the practice in the case study villages is that the traditional advisory group (*ichilye*) is the VPC. The headman of Chibundi village, however, pointed out to me that although female household heads are welcome on the committee, they simply don't bother to attend meetings. Given the poor attendance of women at VPC meetings, it simply means that they hardly influence land decisions of the committees. The women I spoke to have made it clear that men who pay little attention to women contributions dominate the VPC. The answer I received when I asked one of the female household heads why women did not attend VPC meetings supports this view.

I used to attend these meetings before. I do not do so now because it's a waste of my time! It is just a meeting of men talking about men issues (*ifya-baume*) all the time. There are many problems (*amakatacho*) for me to attend to at my home. Besides men, don't listen to women! (Interview with Bana-Loda, Mupopele village, 20-03-2000).

There is no pattern in the layout of the fields in villages and it is difficult to visibly discern boundaries of holdings. It is now the practice for those who need land to farm or develop a residential site to request the *bakulu-bamushi* for assistance. The *bakulu-bamushi* undertakes his ownership and boundary investigations until he identifies vacant land for allocation (*ukulanga* – showing of vacant land). In certain cases the headman simply asks the individual if he or she has any particular piece of land in mind, in which case the *bakulu-bamushi* goes to verify the location of the site. The *bakulu-bamushi* then investigates the rights status of the land and makes a decision on allocation.

### 9.3.3 Allocating land to strangers

In St. Joseph a stranger is one who has neither blood, tribal nor marital connections to the village headman (*bakulu-bamushi*). This means he or she is not related to any of the

matrilineal relatives of a headman who form the core of the village. A stranger is referred to as “*abensu*” which means a visitor or a guest. In short, it refers to an outsider who is temporarily in a village. As I pointed out earlier, there are many such people living in St. Joseph villages. In some cases these are former mineworkers who opt to escape the declining living standards of the Copper Belt urban areas<sup>24</sup>. These men come to the village relatively wealthier (*ababile*) than the average villager does. They come with more assets and money to start a farm and often provide part time employment (*amapisiweki*) to local villagers. Headman of Chibundi village told me that:

It is good to have visitors come to settle in our village, especially if they are former mineworkers (*bashimaini*) who want to farm. Then it is good, because they give us piecework (*ama-pisiweki*). However, very few have come here at Chibundi because we are far from the main road, schools and clinic. These people love to live a town life, so they would rather settle in villages near the Mission, like Safeli village. But they are welcome (Interview with Headman Chibundi, Chibundi village, 17.08.01)

In order to settle in a village territory an outsider requires permission from Chief Nkana (*imfumu*), or a headman (*bakulu-bamushi*). All the headmen at the four case study villages however confirmed that Chief Nkana does not always interfere with land allocations in their villages. A stranger will normally visit a friend or just tour the village to see if it meets his or her requirements. Having friends in the village does help because they may have information on possible vacant sites for a farm. Out of respect (*umuchinshi*), the stranger normally presents a gift to the *bakulu-bamushi*, and then he makes his request for land. The *bakulu-bamushi* normally asks for a letter of introduction (*inkalata*). A letter from another village headman or a letter from a church leader for people coming from a township is acceptable.

The *bakulu-bamushi* and his advisory group usually have information about people who would like to sell their hut or house on a residential site. A visitor after being made welcome is given this information. In addition the VPC shows the visitor the available vacant plots. Wealthy newcomers usually buy a house on a residential site, which they like

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<sup>24</sup> See also Ferguson (1999: 132-135) for some details on ex-mineworkers settling on the rural Copperbelt. More information on the plight of ex-miners’ problems in relation to land on the Copperbelt is documented in Hansungule *et al* (1998).

to make a start. A newcomer who cannot buy a house is shown a residential site to construct one. As a welcome gesture, a visitor may be served with a meal on the first day, after which he or she is expected to make own food arrangements. In sum, strangers (*abensu*) in St. Joseph acquire residential and farm land through the permission of the concerned *bakulu-bamushi*. Once a stranger's household (*abensu*) is allocated land in this way, all residents of the village are expected to respect their land use rights and investment of labour or money.

#### **9.3.4 Inheritance and succession**

As I have explained earlier, traditionally, the kinship system at St. Joseph is matrilineal in character. This means descent, succession and inheritance (*ubupyani*) is supposed to follow the matrilineal line of descent. The practice is that men can inherit office or land use rights from matrilineal relatives, for instance land can be passed on from a mother's brother to her son, or uncle (*mwisho*) to a nephew (*mwipwa*). I say this to emphasise that in this matrilineal system women can not directly pass on their land use rights to their children. Despite the Lamba being a matrilineal tribe the position of headman in St. Joseph is the preserve for men.

After a person dies a ritual is performed to pass over the guardian spirit and name (*ishina*) of the deceased to the heir. Thus, when a married person dies, custom requires that an heir be found to inherit the name and guardian spirit, the person's household responsibilities and property including land use rights. This custom is referred to as *ubupyani*. Through consensus arrived at within the matrilineal family meeting, one person from the matrilineal relatives is selected to be heir. When an heir is agreed upon, a ceremony to free the surviving spouse from the ghost (*ukumuwamy*) of the dead is performed.

In the past, the surviving spouse was required to perform an act of ritual intercourse with the successor to the spouse. Now as in Kasama this ritual of sexual cleansing is rarely performed mainly because of fear of the HIV/ AIDS infection and Christian values appear to have taken root. Now an elder (*abakulu*) in the meeting simply requests the ghost of the deceased to release the living spouse and to go and sleep among the ancestors of its clan (*umukoka*)<sup>25</sup>.

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<sup>25</sup> Interview with Ba-Tameli, Chibundi Village, 2 September 2001.

Widows and widowers are now left to chart the direction of their lives as they please. Consequently, the practice is that an heir, who does not inherit the wife of the deceased, merely becomes the traditional family trustee of the welfare of the children and widow (*ukusunga*). Thus, the trend nowadays tends to favour inheritance of property and land use rights by the deceased's children rather than by brothers, nephews or grand children. This is a sign of a system adapting to a new social order. It is however also common for a widow or widower who is an outsider to be asked to go back where he or she came from.

### **9.3.5 Gifts of land**

Traditionally an individual who has acquired land through the headman (*bakulu-bamushi*) or through clearing of bush (*ifitemi*) has a right to transfer such land to another by way of gift (*ubupee*). In such a case, the one who is giving the land away informs the headman and makes it clear to whom the gift is being given. This is done in order for the gift to be recognised by the headman (*bakulu-bamushi*). The practice is that only the spoken word of the person giving away land is acceptable. In this way, the land use rights of the recipient are respected even after the death of the person who gave away the land. I must however point out that arable land at St. Joseph is relatively abundant and for this reason, gifts of land are very rare.

This form of land transfer normally takes place between relatives (*abakwasu*) and some times friends living in the same village. The headmen (*bakulu-bamushi*) do not allow gifts of land to people living outside the village. The ideology behind the gift of land is that it should be done out of natural love and affection for the recipient individual or household and not in exchange of payment in any form. At household level, a father if he so wishes may subdivide his land and make a gift to his son who has just married. This is often done especially to entice the son to stay in his father's village instead of making a start at the woman's natal village as tradition demands. A man may also give land to a female relative who is a widow with children. Such was the case of Bana-Mary of Chamina village who explained to me her circumstances:

I got married in 1997 to a man in Malukuchila village not far from here. My husband took me to his home village where we stayed and farmed. I was very unlucky, because he died just a few months after my baby was born in 1999. Sadly, his family blamed

me for his death, saying that I had infected him of the sliming disease. There was trouble at the inheritance meeting (*ichilye chamfwa*). For this reason, my uncle decided to bring me at his village. I now have my own hut built for me by my brother. As I did not want to completely depend on my uncle for food, he gave me one of his old crop fields to cultivate. The soils are not very good for maize but at least sorghum and vegetables do well. (Interview with Bana-Mary, Chamina village, and 10.09.01)

At St. Joseph a distinction is made between a widow and a mother with illegitimate children in respect to land use rights. Traditionally the system is more sympathetic to widows than mothers with illegitimate children. Mothers with illegitimate children are not encouraged to live alone but on their father or uncle's residential site. There is a belief especially among men that allowing single mothers to own land would promote loose morals amongst unmarried young women. Thus, a father or uncle is not in a position to make a gift of some of his land to a daughter or niece with illegitimate children. Such an act cannot get the support or recognition of the headman (*bakulu-bamushi*) and elders (*abakulu*). However, a hut can be built for a single mother on her father or uncle's residential site and she can cultivate with her mother to feed her children.

### **9.3.6 Buying of land**

The sale of arable land at St. Joseph village communities is an issue, which evokes controversy. There is no consensus amongst the people in the village communities as to whether it is in order for one to sell land or not. Many people I spoke to believe that land is inseparable from the people who form the matrilineal core of every village. This belief holds that land in a village territory should corporately belong in perpetuity to the founding matrilineal family of a village. Based on this belief, land is allocated by the headman (*bakulu-bamushi*) to adult members of the village community for cultivation and building free of charge.

Added value through individual effort does not confer exclusive ownership to a land user. It is important to note that individual land rights are exercised with due respect to the rights of the village community which corporately own the land. This belief of corporate land ownership by the village community is what rules out the sale or disposal of land outside the village community by an individual. Headman Chibundi had this to say on the question of sale of village land:



This village was founded (*ukusokolo-mushi*) by my grandfather (*ba-kapa*) for our family to live, and farm. We are poor people and land is the most important thing that we as a family own together. For many years, our family has lived off this land. If we sell the land to outsiders, where shall we go? We can not have a village without land and if we sell our land, we shall become strangers (*abensu*) in our village. Some of our people go to town for a job, but when they lose the job, they come back here. It is our duty to look after the land even for those who are absent for a while and not to sell it. (Interview with headman Chibundi, Chibundi village, 8.10.01).

This traditionalist view emphasises the importance of keeping land within the family (*ichikota*) or village community. It also stresses that a village is about both people and land. For this reason, an individual is allowed to transfer ownership of improvements on land only to a member of the village community. In this way the interests of the village community in land are safe guarded.

Despite traditionalist views sales of arable land and sales of residential sites are taking place in St. Joseph village communities. Out of a total of 61 fields sampled from the four case study villages, 7 fields or 11.5 per cent of the fields are transacted through sale. The vendors of land are usually headmen or influential elders (*abakulu*), men belonging to the matrilineal family of a headman (*bakulu-bamushi*). Because of their close relationship to a headman (*bakulu-bamushi*), these men usually have more land in fallow and more say over land issues than others in the village. Often the buyers of houses and arable land are wealthy outsiders or former miners escaping the expensive life in nearby towns of Kitwe and Kalulushi. In some cases outsiders are poor with a real need for land to support their households' livelihoods. An illustration of these points can be appreciated in the story of a former miner:

My village of origin is in the Southern Province and my wife's village of origin is in Central Province. I lost my job in the mines at age 49 in 1999. I had a wife and six children to support in school and after loosing my job, my savings in the bank begun to dwindle quickly because of the high cost of town life. I do not have any meaningful connections with my village of origin so I did not want to go back there. I did not want to go to my wife's village either. A family friend told me about how he had settled here in St. Joseph after losing his job. My wife and I requested our friend to introduce

us to the headman (*bakulu-bamushi*) and present our wish to buy a plot of land. In particular we wanted riparian land on which we could grow vegetables for the market. We were advised to bring a letter from church and to first move and stay with our family friend while suitable land was identified. Within the first month of our stay, we bought a house on a 3-hectare plot of riparian land formerly owned by a village elder. I'm glad we found land which, is near the schools and clinics. The village elders (*abakulu*) and headman (*abakulu-bamushi*) have also assured me that no claims will be made on my land because people here respect visitor's (*abensu*) land rights. There are also other visitors like us. (Interview with a former miner, St. Joseph, 25.11.01)

Some village elders, (*bakulu*) and headmen (*bakulu-bamushi*) in St. Joseph are quick to facilitate land sales to outsiders, usually because they are interested parties. However, strictly speaking, the sale of land to outsiders is traditionally not acceptable in St. Joseph. It is also important to point out that there are some students from St. Joseph secondary school renting rooms to stay in during the school term from some households in Safeli village. This village is located very near the school and is thus convenient as a residential area for students who come from distant villages and towns.

It seems the system of land rights in St. Joseph is being influenced by the money economy, especially demand for land for cash cropping. It is clear from field evidence that arable land and residential sites are no longer unique commodities. They can be exchanged for money. The village elders (*abakulu*) and headmen (*abakulu-bamushi*) who have the authority to allocate land at village level are quick to use this authority to a profitable end through fallow land sales to newcomers. It is also important to note that sales of land in St. Joseph are largely because there are buyers especially former miners from nearby towns willing to take the risk and buy land for cash crop production. In the face of the demand for land for cash cropping, the traditionalist view of land has not prevented the development of a commercial attitude towards land by some traditional leaders.

#### **9.4 Tenure of crop fields**

In Chapter 7 I have noted that households at St. Joseph pursue several livelihood activities. However, it is noted that almost all households are engaged in cropping as a livelihood activity. Freudenberger's 'community, tenure and natural resource' analytical schema suggests that land tenure rules can create incentives or dis-incentives for sustainable,

equitable and efficient use of the resource base (Freudenberger, 1994). In case of both subsistence and cash cropping, there are land tenure rules, institutions and practices that are important in accessing and controlling land for cropping purposes in St. Joseph. Marriage (*ichupo*) is one such important institution. In the next section, I look at the tenure of crop fields in uxorilocal and virilocal marriages, which are a typical characteristic feature of St. Joseph households.

#### **9.4.1 Tenure of traditional crop fields in marriage**

In St. Joseph the subsistence farmers the majority of whom are ranked as poor (*abepengele*) in the wealth and wellbeing ranking depend on two basic types of traditional cultivation systems, the cut and burn (*ifiteme*) gardens and the grass manure (*amabala/ mushime*) gardens for their staple crops. Marriage in St. Joseph village communities plays a very important role on the way arable land for traditional cut and burn (*ifiteme*) or grass manure (*amabala/ mushime*) crop fields is accessed, controlled and owned within households. The Lamba people of St. Joseph practice monogamous marriage and a man and his wife have complementary socially defined tasks to perform on crop fields. The investment of labour in agriculture tasks earns a spouse some share in the crop and land use rights.

The labour of men to cut trees, bush and to hoe is very important in the cut and burn (*ifiteme*) and grass manure (*amabala/ mushime*) cultivation systems. When a man finishes the cutting of trees for the *ifiteme* or clearing and hoeing his traditional duty (*inkito yabaume*) is done. After the burning the crop fields are said to 'belong' to the wife. She takes over and manages the crop fields. She plants, weeds, harvests and stores the crop. However, the context within which traditional crop fields 'belong' to a wife should be understood is that traditionally it is a wife's duty to feed (*ukulisha*) her husband and household throughout the year. She therefore manages and controls the use of all subsistence crops on behalf of her household. The sorghum in particular is stored in her granary and according to tradition, not even the husband can touch it without her permission. The following words of Bashi-Kinda of Chamina village are instructive on the ownership of crop fields in a household. I had specifically asked him to tell me who in the household owns the crop fields.

When I cut a *fiteme*, or hoe *ibala* I do so for my wife and children to have sorghum (*amasaka*) and maize (*amataba*) flour to eat for the year. My wife and children also work on the crop fields for the same reasons. When others outside the household work for us, we also work for them (*ichilimba*). When I arrange for *imbile*, my wife makes the sweet beer (*munkoyo*) for us to reward our neighbours. The crop fields belong to my wife and to me. However, management of food for the house is a woman's job (*inkito yamwanakashi*). (Interview with Bashi-Kinda, Chamina village, 08-02-02)

Thus, a man and his wife jointly own the crop fields. Neither a man nor his wife can sell it or make a gift of it without coming to an agreement with the other. The divorce story of Bashi-Clement is illustrative of the joint ownership of crop fields by a man and his wife.

I got married in 1978 to a woman of my village. We lived on this very residential site with our four children. My wife and I cultivated a large *ibala* of about two hectares. Then my wife began drinking carelessly and brought shame (*isoni*) on me. Her drinking problem got worse and in 1994, through a family meeting (*ikilye*) our marriage ended. As is the matrilineal custom, my wife was given custody of the children. However, there was much difficulty for the elders (*abakulu*) to decide on ownership of the residential site and crop field. First, the elders acknowledged that the two of us jointly owned the residential site and crop field because our mothers are all from this same village. Secondly, the elders advised that it was not possible for the two of us to enjoy joint ownership of the crop field and residential site outside marriage. To settle the matter, I was persuaded by the elders (*abakulu*) to give up my share of the crop field in return for the residential site. Likewise, my former wife was also persuaded to give up her share of the residential site in return for the crop field. (Interview with Bashi-Clement, 4-10-01)

I observed in Chapter 6, that the Lamba people in St. Joseph are traditionally matrilineal by descent. The mother is the basis of the social structure and all her children are usually attached to her natal village and to her with regard to social identity. Thus, the matrilineal relatives are the basis of social cohesion within a village. The matrilineal dominance of a village does have an influence on the land tenure of crop fields acquired by a husband in an uxorilocal marriage or a wife in a virilocal marriage. I now examine the land tenure rights of a spouse in virilocal or uxorilocal marriage.

*(i) Tenure of crop fields in uxorilocal marriage*

Traditionally marriage (*ichupo*) among the Lamba of St. Joseph is uxorilocal. Upon marriage a husband moves to his wife's natal village to establish a residential site, crop fields and start a family. The in-laws (*abapongoshi*) are the official hosts of their son-in-law (*umupongoshi*) in the village community. During these early years of marriage, the couple remains close to the wife's parents. This is done to ensure that the couple reaches maturity with regard to responsible management of their livelihood. Initially a man living at his wife's natal village is allocated crop fields through her relatives. Traditionally the man cultivates for his wife and children to whom the crop fields belong. Upon divorce, a man has no claim on the crop field. This is true even if the wife did not help him to clear and prepare the land. He is nevertheless entitled to a share of the standing crop on the fields in question.

It is important to observe that in principle a man living in his wife's natal village has a right to acquire land independently of the wife within the village territory. Traditionally, all newcomers (*abensu*) or outsiders who are living in a village with the permission of the headman (*bakulu-bamushi*) enjoy this right. Nevertheless, in practice he faces the problem of proving that the land has been acquired without the assistance of his wife or her relatives. Thus, in most cases the interpretation of crop field tenure in uxorilocal marriage is that a man has no exclusive rights of tenure over crop fields, which he cultivates in his wife's natal village. In sum, the man's land use rights are temporary in that they are dependent on the continuation of the marriage. The impermanent nature of a man's land rights in uxorilocal marriage is a dis-incentive and a source of insecurity that threatens the sustainability of his livelihood after a wife's death or divorce. The story of Ba-Daimandi is illustrative of this insecurity:

I am Luvale by tribe and I was born in Chavuma in the North Western Province in 1947. That is where I did my primary school and spent my teenage years. In 1974, I came to visit my elder brother who was living at Mbelenga village near St. Joseph. I liked the St. Joseph area and decided to stay, and helped my brother in farming and charcoal burning. I got married in 1976 to a local Lamba woman of Safeli village. As per tradition, I went to live with my wife at her natal village Safeli and my father-in-law (*abapongoshi*) allocated me a residential site and a field to cultivate. I worked very hard and built six huts on my residential site, which, I rented to students of St.

Joseph. My wife died in the year 1996 and that is when I was beset with trouble. I was accused of having bewitched my wife by her relatives. My life was made very difficult. I had no option but to abandon my residential site and 3-hectare crop field. Although their mother's relatives pleaded with them to stay, all my five children also decided to come with me. As soon as I left Safeli village my late wife's relatives took over my residential site and stated to rent my huts to students. The headman here at Chibundi village accepted my residence application and allocated me a residential site and a field to cultivate. I have again married a Lamba woman and of course, I remain insecure especially after what happened when my first wife died. However, most people in this village are Christians and are very kind. My first born son went back to his mother's village last year and forcibly reclaimed our residential site and crop field. However, I cannot go back there because of bad memories (Interview with Ba-Daimandi, Chibundi village, and 9-02-02).

Despite the insecurity of crop field tenure in uxori-local marriage for men, some men at St. Joseph prefer to live in their wives' natal village for a variety of reasons. One important reason is proximity to the facilities of St. Joseph Catholic Mission. As pointed out earlier in Chapter 6, St. Joseph has schools, a health centre, shops, football pitch, and a market and bus station. These facilities are an attraction to people from distant villages. The story of Bashi-Pati underscores this observation:

Bashi-Pati's village is Mokotami village, which is about 10 kilometres from St. Joseph. There is no clinic, school or market at Mokotami and many children do not go to school because of the long distance involved. Bashi-Pati did not want his children to be like him having little education. So, he chose to come and settle at his wife's natal village Safeli because it is near St. Joseph Mission, which has primary and secondary schools, a clinic, tuck-shop and market. He thinks life is relatively easier for his family at Safeli village than at Mokotami village. He admits that it is not easy to live in the same village with his in-laws (*kubuko*) and he misses his matrilineal relatives at Mokotami. Bashi-Pati's mother and maternal uncles (*ba-mwisho*) are not happy about his decision to live at his wife's village (*kubuko*). However, he has decided to commit his life to his children. He is developing a farm (*ifamu*) for his children at his wife's village and at the same time, his children are able to go to school. Safeli village is his wife's natal village, so he sees no danger of his children losing the farm. (Interview with Bashi-Pati, Safeli village, and 16-12-01)

The traditional practice of uxorilocal marriage has admitted to social change at St. Joseph. It is now common to find virilocal marriages within a village community. In the next section, I look at crop field tenure of spouses in a virilocal marriage.

*(ii) Tenure of crop fields in virilocal marriage*

In the past, it was a traditional requirement for a newly married couple to start their lives in the woman's natal village during which period the man completed the obligatory agriculture service to his in-laws. With the introduction of a money economy the bridal price and agriculture service to the in-laws have become convertible into cash (*indalama*). Thus, nowadays, on the first day of marriage his in-laws allow a man to take his wife to his village especially if he has settled the bridal price and marriage service through cash payment as this is an indicator that he is capable of looking after his wife.

A woman in a virilocal marriage cultivates the crop fields acquired by her husband. The husband owns the field and the wife has only the right to the crop. The husband can add to his number of crop fields by arranging for them through his mother or father's relatives in the village territory. It is possible for a woman in a virilocal marriage to acquire land independent of the husband but because of her marital disposition the village community views land acquired by a woman independently as belonging to her husband.

The situation in which the land rights of a woman in a virilocal marriage are made very clear to an observer is at divorce or on the death of a husband. Upon divorce, a woman simply returns to her mother's village. Traditionally she has no claim over the land that she cultivated while living with her husband. In the case of the death of a husband, a widow can continue to live on the late husband's residential site and to till his crop fields. This is especially true if the woman has children with her late husband. In this case, because the children are relatives, her in-laws will not make an issue of her continued stay in the village. If the widow decides to get married to someone outside the family of her late husband her in-laws normally ask her to leave her late husband's residential site and cease to till his land. In the past, there was the option of a woman being inherited by one of her late husband's relatives, but nowadays the fear of HIV and AIDS infection and Christian values has ruled out this possibility. Now, young widows simply go back to their mother's village to start again. The following words of a widow at Mupopele village make some of these points clear.

My husband died in 1996 leaving me with four children to look after. After his funeral, a meeting to find an heir was held (*ichilye chamfwa*). My late husband's nephew (*mwipwa*) Ba-James was selected as heir. Although I refused to be inherited, everything went well because they all respected my Christian faith. I decided to remain here at Mupopele village because it is near to the schools, which my children attend. My mother-in-law was in fact happy because I did not take the children away. When my husband was alive, we farmed a 3-ha crop field. In 1999 my late husband's sister got divorced and came back. Without asking me, she began to cultivate a part of my field. I overlooked the matter because I did not want problems with her. She is infamous for her sharp tongue (*wamulomo*). In 2001, another of my late husband's sisters lost her husband, and she came back and began to farm a part of my land. This time I went to Ba-James who succeeded to my husband's name to complain about the behaviour of my late husband's sister. He told me that as a widow and as a divorced woman the two were in order to cultivate part of the land and that the two were justified because this is their mother's village and their brother opened the land. I took the case to the headman, but he also agreed with Ba-James's opinion. He however comforted me by saying that the two women were rude (*umusalula*) not to ask me. I have concluded that my marital relationship (*ubukwasu*) with my husband's relatives ended when he died. I'm just keeping (*ukusunga*) the land for others to come and take away. Not even Ba-James who succeeded to my husband's name or my mother-in-law can protect me. My children are too young to fight for their father's land. I have now made plans to take away my children and go back to my mother's village. (Interview with Bana-Ester, Mupopele village, 14 -02-02)

In practice, it is difficult for a woman in a virilocal marriage to realise independent land tenure after a husband's death. In concluding the discussion, it is important to observe that in St. Joseph upon divorce or death of spouse crop field tenure rights of a living or divorced spouse are constrained by whether the marriage was virilocal or uxorilocal. In the next section, I examine the tenure of permanent cash crop fields.

#### **9.4.2 Tenure of permanent and cash crop fields**

Households cultivate some crop fields every year. These permanent crop fields can be classified in two ways. Firstly, there are the residential site grass-manure small gardens (*ichipopo*) that are strongly associated with women because they are often prepared by



them and are planted with relish and snack crops (beans, vegetables, pumpkins and sweet potatoes) for home consumption. Although the residential site gardens are managed and controlled by women, men do also help with the hoeing of mounds (*imilala*) or on the flat (*mushime*). Usually each household has *ichipopo* conveniently located very near the house (*mulukolo*) so that the woman does not have to go far to harvest the daily household vegetable requirements.

The second type of permanent crop field is one used for hybrid maize cash crop cultivation and green market (*amagaladeni*), vegetable cash cropping. As I indicated in Chapter 6, the hybrid maize fields are often located near the farmer's residential site and are very well demarcated in the form of rectangular fields. The market vegetable gardens are located along the Chapula River and Chibanga stream. The whole arrangement of the residential site and the cash crop fields are locally referred to as *ifamu* which is a corruption of the English word 'farm'. The local people use the word *ifamu* to differentiate subsistence farming to cash crop farming.

Many of the cash crop farmers that I encountered at St. Joseph village communities are former migrant workers or former miners, originally from other parts of Zambia. A few had worked for the local Catholic Mission or government schools. This has led me to conclude that wage employment or off-farm activities are an important source of acquiring capital for investment in cash cropping (hybrid maize and vegetable cultivation). As I have pointed out earlier in section 9.3.6 cash crop farming has lately become an attractive alternative for former mine workers and other retirees looking for a secure livelihood in St. Joseph.

Heads of households often cultivate cash crops on their own individual account. This means the head of household has considerable influence over the cash cropping decisions of a household. He owns the crop and the crop field on which it is cultivated. But cash crop cultivation requires a substantial labour input and very few of the men can afford to pay for this labour. Therefore, heads of households largely depend on the unpaid labour of their wife, children and dependants. They mobilise household labour by exercising their social status and traditional authority of head of household (*umutwe-wag'anda*). However members of the household perform tasks on cash crop fields with some expectation of a reward in cash or in kind.

The form of reward is often left undefined and is strictly dependent on the good will of the head of the household. Wives are traditionally expected to work or assist husbands on farms. Thus, the work of a wife on a husband's cash crop field tends to be seen as a traditional conjugal obligation to assist the husband with his farm activities and not that of a joint owner. However, men usually reward their wives in fear of lukewarm enthusiasm in the next farming season. There is no farmer's association in St. Joseph. Thus, acquisition of farm inputs and marketing of crop is left to the initiative of the individual head of the household. In many cases, household labour is not sufficient to cover all the cash crop cultivation requirements. Labour outside the household has to be sought and paid for in cash or in kind. This again is usually organised by the head of household.

Few women cultivate cash crops on their own account. This is not surprising, because apart from financial constraints there are also customary constraints on women's ability to organise unpaid labour. A married woman's access to unpaid labour of relatives is limited to unmarried daughters and young sons. Women are also faced with the problem of high demand on their time related to the division of labour by gender in domestic activities (fetching of wood and water, care of infants, and cooking) and food production activities. I enquired of Bana-Mukuta who cultivates a green market vegetable garden on her own account how she started and how she manages to cope with both subsistence and cash cropping activities:

We used to live in the town of Kalulushi where my husband was working for the mines until 1998. During our stay in Kalulushi, I used to buy in bulk (*ukukungula*) vegetables from a commercial farmer and sold them in smaller quantities at the township market. After my husband lost his employment life was tough and we decided to come and start a farm here at St. Joseph. Our family was well received here at Chibundi village and we bought a house on a big parcel of land. Today my husband is a hybrid maize cash crop farmer and I'm a market vegetable farmer on my own garden (*galadeni*). I used my savings from my vegetable business to start cultivating vegetables for sale (*galadeni*) on almost two hectares of land. It is too much work, so I always employ others to hoe, prepare the nursery, and plant the seedlings and to water. I only weed apply fertiliser and harvest. My children are of little help because they all go to school except during the school holidays. Even on my food crop fields (*amabala*), I use hired labour of some women to hoe, plant and

weed for me. Because I'm too busy, I do not work on my husband's hybrid maize gardens but I instead organise labour for him through beer parties (*imbile*) and he is happy with that. I have many customers, some from the Catholic mission and others from the town of Kalulushi who buy vegetables in bulk (*ukukungula*) from me (Interview with Bana-Mukuta, Chibundi village, 11-02-02).

Bana-Mukuta is one of a few women who have come to St. Joseph having her own financial capacity to cultivate cash crops on her own account. Even in her case, she is still under traditional conjugal obligations, firstly to assist her husband in his agriculture activities, which she does through arranging beer work parties (*imbile*) and secondly to feed the household. It is thus important for her to balance her agricultural activities between strictly food crops for the household and cash crops. For this reason some households, especially those of the wealthy (*ababile*) in St. Joseph, have a combination of permanent cash crop fields (*amafamu* and *amagaladeni*) and semi-permanent subsistence crop fields (*ifiteme* and *amabala*). Table 9.2 shows the structure of crop field holdings in St. Joseph.

**Table 9.2: Structure of holdings of crop fields at St. Joseph**

<b>Holding type</b>	<b>No of households</b>	<b>%</b>
<b>Scattered:</b> residential site, <i>ifiteme</i> , <i>amabala</i>	8	22.2
<b>Scattered:</b> residential site and <i>amabala</i>	19	52.8
<b>Farm block:</b> residential site, <i>amabala</i> and permanent crop fields ( <i>amafamu</i> and <i>amagaladeni</i> )	9	25
<b>Total</b>	<b>36</b>	<b>100</b>

Source: Questionnaire survey, April 2000

Apart from their traditional role of providing food, married women also have their cash concerns, because nowadays many basic domestic requirements have to be purchased. Thus, most wives of cash crop farmers that I spoke to indicate that they co-operate with their husbands in their cash crop enterprises. However, they were also clear that their husbands own the cash crop fields and control the money from both maize and vegetable sales.

This discussion of tenure of cash crop fields in St. Joseph and distribution of profits reveals that the interests and objectives of household members are not always the same. With regard to the production of the staple sorghum (*amasaka*) and maize (*amataba*) for

household consumption, the household behaves as a unit of production. This however is not the case with respect to cash cropping of hybrid maize and vegetables, which are dominated by men in their authoritative capacity as heads of households (*umutwe wag'anda*). Thus, cash crops are usually cultivated through labour mobilised, supervised and paid for by the household head. Men therefore claim individual ownership not only of the crop but the land as well. However, land holding at St. Joseph has its problems. In the next section, I look at witchcraft and social tension as processes that affect land tenure rights of individuals and households.

#### **9.4.3 Land tenure, witchcraft and social tension**

Witchcraft (*ubufwiti*) is deeply embedded in the social life of people in the village communities and it is shrouded in mystery. It invokes feelings of fear in many people, and this result in people moving from one place to another. In almost every village, some people, especially very old people (*abakekulu*) and rich people (*ababile*) are suspected to have the power of witchcraft (*ubwanga*). The power of witchcraft (*ubwanga*) is believed to enable the wizard (*infwiti*) to cause sickness and death and generally, to have an unfair advantage over others on any matter. Some people in fear of being harmed by witches also practice defensive witchcraft (*ukuichingilila*) to protect themselves from those intending to harm them. Despite the clinic being nearby when some people are ill they do not use conventional medicines but use medicines (*umuyanda*) prescribed by traditional diviners (*ig'anga*).

When a member of the household falls sick and does not get well after using conventional medication, it is often the case that the witchcraft of neighbours is suspected as a possible cause of the illness. A diviner (*ig'anga*) is quickly consulted to establish the cause of the obstinate illness and to prescribe the required remedy. In most cases when the diviner confirms neighbourly witchcraft (*ubufwiti*), the household of the bewitched person is of course given some traditional medicine (*umuyanda*) and advised to move their residential site elsewhere. This is done to distance themselves from the source of the witchcraft and thus rendering it harmless. Ba-Tanga's story is an example of a man running away from neighbourly witchcraft:

Here at Chibundi village I'm a visitor (*umubensu*). This is my wife's village; mine is Chikuwa village not very far from here. We came here two years ago when I was very

sick. At my village, a relative who was jealous of my successful vegetable market garden (*galadeni*) bewitched me. I'm grateful to my wife who quickly confirmed (*ukusengulula*) that I was bewitched through a diviner (*ig'anga*) and brought me here to save my life. Although we live here, we have continued to farm my crop fields at my village because it is difficult to find good farming land here at my wife's village. We are only here temporarily (*ichilindo*). When my uncle (*bamwisho*) finds a new residential site for me, then we will go back to my mother's village. I will no longer be in danger because my uncle has assured me that a solution (*ukuichingilila*) to my problem has been found (Interview with Ba-Tanga, Chibundi village, 15-09-01).

In the old days a person identified as a witch (*infwiti*) by a traditional diviner (*ig'anga*) was expelled from the village and thereby losing his or her land use rights over all crop fields within the village territory. Nowadays expulsions from the village for practising witchcraft are rare. This is largely because according to the Witchcraft Act it is illegal to name, indicate, accuse or threaten to accuse any person of being a witch (Republic of Zambia 1994a). Thus, people nowadays find it easier to socially isolate a suspected witch than to accuse him or her of being a witch lest the case ends up in court. Some people argue that the present law favours witches. In particular the Traditional Health Practitioners Association of Zambia (THPAZ) has been lobbying Government to recognise the existence of African witchcraft and to amend the Witchcraft Act to legalise witch-hunting (Times Reporter 1998). Unfortunately, some people have been victims of unfair social isolation because of suspicions of witchcraft, which has also led to insecurity of crop field tenure. Ba-Eliot is an example of someone who lost his land use rights because of suspicions of witchcraft. His friend and neighbour Bashi-Boyd narrated his story to me.

Ba-Eliot had his farm next to my farm (*ifamu-lyandi*). He was an outsider (*abensu*) like me. I came here in 1994, but Ba-Eliot was here before me. He was a very successful hybrid maize farmer and grew market vegetables as well. First, there were rumours that he had a magical snake (*ilomba*) that made him a more successful farmer than others did. In 1998, one of his workers went to the headman and accused him of witchcraft (*ubufwiti*). He claimed that Ba-Eliot not only made him work during the day but against his will in his dreams at night. Thus, he was constantly tired (*ukukatala*). Many of Ba-Eliot's workers supported their fellow worker by telling stories in the village that they also felt more tired than usual after doing piecework (*pisiweki*) at Ba-Eliot's farm. Relations between Ba-Eliot and the villagers

deteriorated. Ba-Elliot started to have difficulty in recruiting workers to hoe for him on his crop fields because he was socially isolated. In 1999 he left and put his house up for sale. I think he lost heart quickly, because here all of us cash crop farmers are often called witches (*infwiti*). Some people even swear that they will not work for us but hunger (*insala*) drives them back. Ba-Elliot's work has gone to waste. No one has bought the house and it is slowly going to ruin. Soon the headman (*bakulu-bamushi*) will allocate the land to someone else (Interview with Bashi-Boyd, Chamina village, 6-03-02).

Some people still believe that few socio-economic differences would exist between villagers without witchcraft (*ubufwiti*). Thus, success in farming, especially cash cropping, is viewed as evidence of involvement in witchcraft. The tendency to accuse successful farmers of witchcraft and to drive them away through social isolation is very clear in the case of Ba-Elliot. This case clearly demonstrates the insecurity of tenure of cash crop farmers who are vulnerable to accusations of witchcraft (*ubufwiti*) than the ordinary subsistence farmer. Nevertheless, dispossession of land rights in customary land jurisdictions through accusations of witchcraft is a reality in Southern Africa (Peters 2002).

Apart from suspicion of witchcraft (*ubufwiti*), there are other factors, which are responsible for land tenure problems amongst the village communities of St. Joseph. These include quarrels and disagreements over boundaries and encroachment of crop fields, persistent thefts of crop from fields, and family disagreements over inheritance of land. These often result in social tension in the family or between neighbouring households. To avoid problems individuals or households tend to move elsewhere in the village territory or to another village.

From a land tenure perspective, the continuous movement of individuals and households tends to constrain them from developing long term personal interests in a particular residential site or crop field. An important point to note here is that land in St. Joseph is still relatively available and can be accessed through a variety of mechanisms. Thus, individuals and households are not yet constrained in their change of residential sites or crop fields. However it is also true that there is no longer virgin land over which an individual or household can establish themselves without much negotiation with traditional leaders. For this reason people in St. Joseph do not easily abandon land. Even households

that move away from one village to another in fear of witchcraft or social tension do arrange to maintain their cultivation rights.

To maintain the right to a residential site, the house must not be allowed to go to ruin. An arrangement is usually made with relatives or friends to occupy the house while the owner is away. With the permission of a headman (*bakulu-bamushi*) crop fields maybe allowed to lie in fallow for a few years after which the headman can determine whether the fallow period should be extended or not. With regard to the period of fallow for an absentee landowner headman Chibundi told me:

A landowner living outside the village does not have a right to leave land to fallow forever! The village is expanding and there are demands for land by newly weds and newcomers (*abensu*). It is not wise to allow the land rights of one individual living outside the village to impinge on the rights of people living or wishing to come and live in the village. In this village I allow land to lie in fallow only for three farming seasons, after which I inform the absentee owner to cultivate it that season or else I allocate it (Interview with Headman Chibundi, Chibundi Village, 6-03-02).

In the past, when land was plentiful and shifting cultivation of *ifiteme* was dominant people did not have permanent interests in particular pieces of land. Thus, land could be left in fallow for many years without causing problems. Today the situation has changed. There has been an increase in population and cultivation systems have changed because some land is being used for commercial purposes. Cash crop farming in St. Joseph has become an investment opportunity and livelihood strategy for retiring miners from nearby mining towns. The related increase in demand for land is putting pressure on traditional leaders and village communities to modify the land tenure rules and practices. One of the important changes in land tenure in St. Joseph concerns conversion of tenure, which I discuss in the next section.

#### **9.4.4 Conversion of tenure**

Rural communities are affected by both land tenure rules which they make and rules made from the outside (Quan 1998), especially by central government. Consequently the tenure rules that are made outside the village communities have their impact on livelihood strategies of the local people (Quan 1998) and they may strengthen or erode social patterns

(Freudenberger 1994). As pointed out earlier in Chapter 4 the present government policy emphasises individual ownership of land by rural farmers. This has been reinforced by the enactment of the Land Act No. 29 of 1995 which provides that a person holding land under customary tenure may convert it to leasehold tenure (Republic of Zambia 1995). This national land law has implications on land holding and resource use within the village territories in St. Joseph.

I have shown in the earlier sections of this Chapter the traditional corporate nature of land holding at St. Joseph village communities. Evidence of land tenure practices has revealed that land is transferred amongst family or legitimate village residents. Nevertheless the Lands Act of 1995 recognises the title of persons holding land under customary tenure and provides for conversion of such rights into individual statutory leasehold of 14 and 99 years. Through this provision, customary land is now subject to individualisation and protection of individual land rights through registration. This is a deliberate policy by government meant to provide greater security of tenure to farmers occupying customary land and to encourage investment in agriculture production (MMD, 1991).

In St. Joseph, the introduction of hybrid maize cash cropping, the cultivation of green market vegetables and use of fertilisers has made agriculture more permanent and profitable. This has also promoted the construction of farmhouses and buildings in more permanent materials. Consequently, the value of investments is also becoming a factor in land holding. For example, a brick house is an enviable asset. Thus a more commercial attitude to land, which was previously a 'free good', is slowly emerging especially amongst cash crop farmers. The intensity of individual investment in agricultural land appears to be responsible for commercial interests in particular parcels of land. This in turn is contributing to land tenure practices in favour of commercialisation. Conversion of tenure and registration of land is an issue, which raises a lot of debate in St. Joseph. The rich (*ababile*) who in most cases are hybrid maize cash crop farmers or green market farmers (*bashi-mafamu*) have welcomed the Land Act of 1995 and the land conversion provision. One local green market farmer told me his sentiments on conversion of tenure:

I have been farming here since 1989. I do most of the work with my wife and children and my vegetable garden (*galadeni*) has expanded. It was only four *Lima* (1 hectare) before, now it is almost 12 *Lima* (three hectares). When my relatives (*abakwasu*) work



on my *galadeni*, they demand for payment and I have no alternative but to pay them. Things have changed even my nephews (*bepwa*) who before would accept my authority could not work for me today without payment. I do not pay my wife and children. The law of title deeds is good and I have decided to register my farm so that I can secure the rights of my wife and children through a will. I do not want my extended family to interfere with my *galadeni* when I die (Interview with Bashi-Kinda, Mupopele village, 04-02-02).

It is clear in this case; that because of the ongoing social change some individuals would like their immediate family to be heirs to their property. Such individuals see conversion of tenure as a mechanism to protect the interests of their nuclear families as opposed to traditional matrilineal extended family. This emphasis of protecting nuclear family land interests is a fundamental departure from the traditional concept of corporate land ownership by the village community. It is essentially a development of social change.

In St. Joseph there is insecurity of tenure on land held by outsiders (*abensu*). Usually these people have made investments in the form of houses and adoption of permanent cultivation on their farms. Using both household and paid labour, they have cleared and stumped large areas of land for the cultivation of hybrid maize or market vegetables. Most outsiders I spoke to are converting tenure or are planning to do so in future. They realise that their land tenure security is dependent on maintaining good personal relations with traditional leaders and local Lamba people. These people are also aware that they are vulnerable to accusations of witchcraft (*ubufwiti*) because their agricultural productivity is often more than that of the local subsistence farmer. For these reasons, they have welcomed the conversion of tenure provision in the current Land Act of 1995 because it offers security of land tenure through the state and not through personal relationships.

Some people however, in local village communities are concerned at the trend to convert land tenure. As I pointed out earlier, the power to receive strangers (*abensu*) and to allocate, land in a village is vested in a headman (*bakulu-bamushi*). However, where as the headman (*bakulu-bamushi*) can allocate land in his village, the official consent of the chief is required for conversion of tenure. This is provided for by the Land Act of 1995, which reads:

The conversion of rights from a customary tenure to a leasehold tenure shall have the effect only after the approval of the chief and local authorities in whose area the land to be converted is situated... (Republic of Zambia 1995: section 8(2))

In chief Nkana's area in which St. Joseph is located, the official consent of the chief (*imfumu*) to convert tenure is usually given through the institution of *amafulo*. This practice is unique to St. Joseph and not Kamena. Every year the chief makes his traditional visit called *amafulo* to all villages in his chiefdom during the period September to October. Because there are many villages in the chiefdom, the visit is limited to two days for a group of villages. The chief has in his entourage the Revenue Collector from the District Council to use the occasion and collect land rent from people with farm permits. During the period of *amafulo*, villagers present their gifts (usually food and small livestock) to the chief through their respective headmen (*bakulu-bamushi*).

The first day of *amafulo* all villagers are invited to attend the general meeting, at which the chief speaks about the state of the chiefdom. On the second and last day of *amafulo*, the chief attends to requests of farm permits, and conversion of tenure. The practice is that the headman introduces his subject who is requesting a farm permit or conversion of tenure and indicates his position on the matter. If he approves the chief gives his letter of consent, on the assumption that the headman (*bakulu-bamushi*) speaks for the village community. The person requesting the farm permit then make a payment of K10, 000 as rent to the District Revenue Collector who is an employee of the District Council. The District Council then issues a farm permit for a year. This permit is renewable on an annual basis. A person holding a valid District Council farm permit and letter of consent from the chief can apply for title deeds to government.

There are fears by some local people that headmen (*bakulu-bamushi*) are giving away large tracts of land to outsiders (*abensu*) without due consideration to the future needs of the village communities. These fears are coupled with the suspicion that land is actually being sold to rich (*ababile*) outsiders. Rich outsiders are accused of enticing headmen (*bakulu-bamushi*) with money and material goods in exchange for land allocation and support in the process of conversion of tenure. Ba-Katombi lamented:

I can not prove it but I know that headmen and village elders are selling land to outsiders from Kalulushi and Kitwe (nearby towns). We can not stop them now but in future their actions will bring them much shame (Ba-Katombi, Chamina village, 26-02-02).

In sum, money and influence are being used as tools to acquire land. Thus, some local people do not support conversion of tenure because they see it as one way in which outsiders (*abensu*) are dispossessing the Lamba people of St. Joseph of land. It is a matter of fact that the educated and rich in St. Joseph are taking advantage of customary tenure systems to acquire land and to secure it for themselves<sup>26</sup>.

As pointed out earlier in Chapter 7, the procedure for application of title deeds is too bureaucratic, time consuming and expensive for the ordinary villager. For this reason, conversion of tenure is associated with the rich (*ababile*) and people who are politically well connected. The plight of a poor (*abapengele*) widow Bana-Sungami makes these points clear.

Before my husband died in 1994, we lived well with our five children. He was hard working and cultivated eight Lima (2 hectares) of market vegetables garden (*galadeni*). He used to take the produce to the market for sale in Kitwe and Kalulushi towns using his bicycle. When my husband died, I spent our savings on funeral expenses. A stubborn nephew (*mwipwa*) took my husband's bicycle. We have very little left (*tulipengele*). I now sell my vegetables at the local market but the prices are poor. I do not own a bicycle and I cannot afford the transport money to take my produce to Kalulushi or Kitwe town, where my crops could sell for better prices. Before my husband died he had acquired a farm permit, but we do not have title deeds yet. Now I do not know where to start. People say that you have to go to that office or that other office. I also need money to pay for forms and application fees. There is no man to help me, so I have decided to look after my children instead of chasing papers for a farm (*ifamu*). When my children finish school, they will do it for themselves (Interview with Bana-Sungami, Mupopele village, 12-02-02).

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<sup>26</sup> Brown (2003) has documented the changing roles of chiefs and the ways in which local, national and international elite have been able to secure private title to 'customary' lands to the detriment of the poor.

Ferguson's interview with an ex-miner living on the rural Copperbelt is also instructive in illustrating the difficulty of converting customary tenure for the purposes of getting title to land:

“But how do you get a title deed? In Zambia that is like going to the moon – you need a rocket!” People set out to get title deeds, and even after twenty years of trying, they fail. “ They tell you to use proper channels. But the only proper channel is to be related to some important politician; without that, nothing!” (Ferguson 1999: 155).

Most poor (*abapengele*) people especially women who constitute the majority of people with little formal education in the village communities are intimidated by the bureaucratic conversion of tenure process. It is not only women who are disadvantaged in this process but also the men who are not only poor (*abapengele*) but also illiterate and find problems dealing with a system that requires completing forms in the official language English.

It is quite clear that conversion of tenure and land registration has become an important issue at St. Joseph. For outsiders (*abensu*) it appears to be a mechanism to protect their tenure of land using the authority of the state rather than depend on personal relations with the village community. For some local people who have invested heavily on their farms conversion of tenure is motivated to protect the interests of the nuclear family from the extended matrilineal family. However, conversion of tenure has also raised fears amongst local Lamba people of land dispossession by rich outsiders (*ababile*). In customary lands like St. Joseph where proximity to towns and markets appears to hasten the process of land sales and payments for labour, the process of conversion of tenure will remain a controversial issue. This is largely because land remains the basis of the most important economic livelihood activities of rural households.

## **9.5 Summary**

I have striven in this chapter to show how land is accessed, used, and contested by men, women and households of different social status, in crop cultivation in St. Joseph village communities. From analysis of the fieldwork evidence, some important points have emerged. As of now there is no critical land scarcity in St. Joseph. Access to cropland is based on traditional matrilineal relations, and the principle that all residents of a village are entitled to arable land for their livelihood. Traditionally individuals do not own land in the absolute sense. In his or her tenure of crop fields the individual or household, is bound by

social obligations to the village community. It is also a matter of fact that matrilineal relatives control land holding, and others outside this decent group (*abensu*) do not have access to it on equal terms. The impermanent nature of land rights in virilocal or uxorilocal marriage is a source of insecurity that threatens the sustainability of livelihoods after death of a spouse or divorce. This negatively affects women's land rights more than it does men. Field evidence has also revealed that men in their traditional authoritative capacity as head of household consider their wives' work on cash crop fields as traditional conjugal obligation to assist their husbands with farm activities. In this way a wife is not considered a joint owner of a cash crop field.

The relative proximity of St. Joseph village communities to mining towns and markets appears to hasten the commercialisation of dealings in land and labour. The value of investments is also becoming a factor in land tenure with intensity of investments contributing to changing of land tenure rules and practices. As in Kamena conversion of tenure has created in St. Joseph a threat of land tenure insecurity for the local population especially the poor. It is my conclusion that land tenure at St. Joseph is to an extent influenced by socio-economic differences amongst individuals and households, specifically gender and wealth differences in respect to power dynamics. It is also clear that arable land at St. Joseph is likely to remain an important livelihood resource to both poor and rich, men and women for many years to come. It is thus submitted that any land tenure reform in rural Zambia that seeks to improve the livelihoods of the village communities should recognise these differences and address their related problems. In the next chapter I explore property in natural resources within the livelihoods context of individuals and households in St. Joseph.

## **CHAPTER 10: LIVELIHOODS AND NATURAL RESOURCE TENURE AT ST. JOSEPH**

### **10.1 Introduction**

In Chapter 9 I have shown how crop land at St. Joseph is accessed, used, and contested by individuals and households of different social status. The approach of this chapter is similar to that of Chapter 8. The ‘livelihoods, natural resource use and tenure’ component from the land tenure and rural livelihoods analysis checklist from Chapter 3 is used as a guide to explore and analyse natural resource use and tenure and the role and importance of natural resources in the livelihoods of households in St. Joseph. The focus of the analysis is on the livelihood context of natural resources, social differences, direct use values and resource use rights of individuals and households in the village communities. In a similar manner to Chapter 8, this chapter also illustrates how land tenure and social relations affect access and control by individuals and households in the village communities over natural resources.

From the range of natural resource livelihood activities in St. Joseph I have selected three natural resource activities to present as case studies. These are cutting and processing trees for charcoal (*amalasha*), collection of wild edible vegetables (*umusampala*) and mushrooms (*ubowa*) and collection of thatch grass (*ichani*) and forest building poles (*impopo* or *insonta*). Findings in this chapter are based on fieldwork research conducted in St. Joseph from 1999 to 2002. Data was collected using RRA matrix scoring, measurements of weights of natural resources market units, estimating and recording household sales and consumption of natural resources, participant observation, focus group discussions and semi-structured interview methods.

### **10.2 Property Regimes at St. Joseph**

From a traditional point of view, village communities own land at St. Joseph as groups governed by village headmen (*bakulu-bamushi*). The chief (*imfumu*), chief’s advisers (*bafilolo*) and headmen (*bakulu-bamushi*) are the custodians of the tribal land and assume the role of stewardship (*ukusunga*) of land. Individuals in general acquire land from headmen (*bakulu-bamushi*) or village elders (*ba-filolo*) for cropping purposes (*ifitemi / amabala / amagaladeni*) and residential sites.

The rights in a crop field are maintained as long as the field is cultivated regularly and not left in fallow for too long otherwise ownership lapses and the land reverts back to the village. Individuals have a right to terminate their land rights by outright transfer to another individual in the village community through gifts (*ubupee*), inheritance (*ubupyani*) or in a few cases abandonment. Ownership also lapses for an abandoned residential site with a house that goes into disrepair and the site can be re-allocated by a headman (*bakulu-bamushi*). From this, it is clear that an individual cannot exclusively own a crop field or a residential site under customary law at St. Joseph because it is subject to corporate interests of the village community. Consequently, in theory land sales are not allowed to outsiders. However as I indicated in Chapter 9, in practice wealthy individuals from outside the village communities, assisted by local headmen (*bakulu-bamushi*) make arrangements to buy developed or undeveloped land.

As in the rest of the customary lands of Zambia, government legislation through the 1995 land act has established at St. Joseph a system of conversion of customary land tenure to leasehold tenure. Some individuals especially those that are rich and educated are processing title deeds or have already done so. This has resulted in a mixed form of land tenure system consisting of statutory leasehold and customary tenure. Within the village communities, land that is neither built on nor cultivated is simply called 'nobody's land' (*impanga*). As individuals are not supposed to claim exclusive rights in this land in theory, it can be termed as common property or the 'village commons'<sup>27</sup>. This is land from which villagers share access to natural resources required to construct their livelihoods and is subject to multiple resource use.

As I discuss property and livelihoods in natural resources I would like us to bear in mind that the natural resources in question are forest products covered by law under the Forest Act Chapter 199 of the laws of Zambia. Concerning ownership of forest products, the Act states that:

For avoidance of doubt, it is hereby declared that the ownership of all trees, standing on, and all forest produce derived from, the State Lands, Customary areas, National Forests and local forests is vested in the President on behalf of the Republic, until

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<sup>27</sup> See section 3.2.5 of Chapter 3 for theory on common property.

lawfully transferred or assigned under this Act or any other written law. (Section 3 of the Forest Act Chapter 199 of the laws of Zambia).

This provision of the act again reminds us of the fact that all land in Zambia is vested in the Republican President and consequently, the president is the custodian of forest products standing on land. Given this brief understanding of property regimes at St. Joseph I now proceed to discuss the three case studies of natural resource use. As in chapter 8, for each one of the case studies, I cover the livelihood context of the particular natural resource, social differences in resource use patterns, resource use values, resource tenure, access and control.

### **10.3 Case study: Charcoal**

#### **10.3.1 Livelihood context**

The most common fuel used at by women St. Joseph village communities to cook and heat the homes is firewood (*ikuni*). However, a man carrying abnormal charcoal (*amalasha*) loads at the back of a bicycle (*inchinga*) is a common sight in the villages. It is important to understand that charcoal production at St. Joseph is undertaken mainly for sale to the nearby town dwellers of Kalulushi and Kitwe. Charcoal burning (*ukocha-amalasha*) is a lucrative livelihood activity that goes on throughout the year. Charcoal (*amalasha*) is a product from trees (*ifiti*) and one of the main problems for charcoal burners at St. Joseph is scarcity of trees in the area. This problem, as I pointed out in Chapter 9, also affects the traditional cut and burn agriculture system (*ifiteme*). Charcoal burners (*bakamalasha*) travel long distances from the villages to find suitable trees on the distant village commons (*kumutunta*).

It must also be understood that not all types of trees are suitable for making charcoal. Charcoal produced from some trees burns too quickly and from others burns with little heat intensity. The best trees for charcoal burn relatively slowly but with good heat intensity. Women who use charcoal regularly can tell good from bad charcoal at a glance. Women informants indicated that they may not know the tree from which charcoal (*amalasha*) was produced but would know from the texture of the charcoal if it was ‘good charcoal’ (*ayamulilo*) or ‘bad charcoal’ (*ifishimate*). At a focus group discussion with charcoal-burners (*bakamalasha*), matrix scoring for quality of charcoal revealed that the best trees



for charcoal production are *kapungwe*, *Julbernardia paniculata* (*mutondo*), *Isoberlinia angolensis* (*mutubo*), *Pericopsis angolensis* (*mubanga*) and *Parinari curatellifolia* (*mupundu*). However, because of scarcity of trees (*ifiti*), charcoal burners have little choice but to cut and use other types of forest trees, which are available. Table 10.1 shows forest trees suitable for charcoal production and quality of charcoal based on the focus group discussion I had with charcoal-burners at St. Joseph.

**Table 10.1: Matrix scoring for forest trees, quality of charcoal and abundance**

Local name	Scientific name	Quality of charcoal	Abundance
<i>Ifumangoma</i>	<i>Albizia versicolor</i>	6	3
<i>Kapungwe</i>	-	9	2
<i>Kaputu</i>	-	6	4
<i>Mubanga</i>	<i>Pericopsis angolensis</i>	10	2
<i>Mukoso</i>	<i>Burkea africana</i>	3	7
<i>Mufinsa</i>	<i>Syzygium cordatum</i>	3	7
<i>Mulombe</i>	<i>Pterocarpus angolensis</i>	4	6
<i>Muchenja</i>	<i>Mimusops zeyheri</i>	6	5
<i>Mupundu</i>	<i>Parinari curatellifolia</i>	9	3
<i>Musamba</i>	<i>Brachystegia longifolia</i>	8	2
<i>Musase</i>	<i>Albizia antunesiana</i>	5	6
<i>Museshi</i>	<i>Marquesia macroura</i>	4	7
<i>Mutatasanje</i>	<i>Albizia adianthifolia</i>	7	2
<i>Mutondo</i>	<i>Julbernardia paniculata</i>	9	2
<i>Mutobo</i>	<i>Isoberlinia angolensis</i>	9	2

Quality of charcoal 1 = poor quality (*ifishimate*); Quality of charcoal 10 = Excellent quality (*ayamulilo*); Abundance 1 = type of tree is rarely found; Abundance 10 = type of tree highly available

Source: Focus group discussion with charcoal burners: Chamina village, 9-03-2002

The main social actors of charcoal burning are men and older boys (*abasankwa*). At a focus group discussion, with charcoal burners (*bakamalasha*), the men proudly told me that charcoal burning is a man's job (*inkito yachibili yamwaume!*). This was confirmed by attendance of charcoal burners' focus group meeting, which was attended by men and older boys (*abasankwa*) only. Table 10.2 shows charcoal burning tasks and the primary

social actors of each specific task. It is clear from the table that men and older boys are engaged in more charcoal burning tasks than women and older girls.

**Table 10.2 Charcoal burning tasks and primary social actors**

<b>Charcoal burning task</b>	<b>Primary social actors</b>
Cutting down trees and chopping into kiln size ( <i>ukutema</i> )	Men and older boys
Piling of wood pieces into Kiln shape ( <i>ukubunganya pamo</i> )	Men and older boys
Covering sides of woodpile with turf ( <i>ukumasa</i> )	Men and older boys
Covering woodpile with fuel material ( <i>ukubika-amashasha</i> )	Men or women
Covering the Kiln with top soil ( <i>ukuposa-ichitofu</i> )	Men and older boys
Removing hot charcoal from the kiln ( <i>ukwapula</i> )	Men and older boys
Packing charcoal into bags ( <i>ukulonga</i> )	Men or women
Transporting bags of charcoal to the market ( <i>ukupinta</i> )	Men and older boys

Source: Focus group discussion with charcoal burners: Chibundi village, 10-03- 2002

There are however, tasks that are not gender specific such as covering the kiln woodpile with fuel material (*ukubika-amashasha*) or packing charcoal into bags (*ukulonga*). However, charcoal burning is associated very strongly with men. Bana-Kinda a wife of a charcoal burner (*bakamalasha*) explained:

Charcoal burning is not a woman's job. However, it is the duty of a married woman to help her husband burn charcoal. For example, I always provide my husband with plenty food (*ifilyo*) and water (*menda*) when he is cutting trees or building a charcoal kiln (*ichibili*), because it is very hard work. I also help in cutting sufficient grass and shrub (*amashasha*) to fuel the kiln (*ichibili*). When the charcoal (*amalasha*) has been removed from the kiln (*ichibili*), I take part in packing the charcoal in bags (*amasaka*) in readiness for sale. For this reason when my husband sells his charcoal, I get a share of the money for house keeping. (Interview with Bana-Kinda, Chamina village, 12-02-02).

Charcoal burning involves firstly very hard work of cutting big trees to waist height. Once a big tree has been chopped down into smaller logs and piled into neat stacks, it is later built into a kiln (*ichibili*) by using surrounding soil and grass. Normally it takes about two weeks for one man to cut two big trees (*ifiti*) into pieces, to pile them and construct a

charcoal kiln (*ichibili*). If big trees can not be found several small trees (*ifiti*) are used. Some men prefer to work with a partner to reduce the amounts of work. Others seek the help of other men with a promise to offer similar help in the future (*ukubomba-ichilimba*) or call for a work party (*imbile*) and reward the workers with sweet beer (*ifisunga*). Some men take pride in doing most of the work alone to reduce costs. Bashi-Clementi, a regular charcoal burner boasted to me:

Charcoal burning (*inchito-yachibili*) is not for slack (*abafila*) men or those who cannot cut trees or hoe hard! Because I do not like lazy people (*abafila*) to delay my work, I do not involve a work party (*imbile*). I normally work (*ukupyunga*) by my self with a little help from my wife. Some times I also work with my hardworking son when he comes back from school. (Interview with Bashi-Clementi, Chibundi village, 12-02-2002)

This process requires skills of experienced charcoal burners (*bakamalasha*), as carelessness will result in poor quality charcoal production or incomplete burning of the kiln (*ichibili*). The charcoal is usually ready on the fifth day after firing the kiln. This is followed by the hard and dangerous task of removing (*ukwapula*) the charcoal from the kiln by shovel (*fosholo*). When the charcoal cools, it is packed into standard sackcloth bags (*amasaka*) in readiness for sale. Using a wheel burrow or bicycle (*inkinga*) the charcoal bags are transported to the village for storage.

#### *(i) Social differences*

The degree of importance of charcoal as a livelihood resource or strategy varies for different households in the villages. Individual and household social differences influence participation in production and use of charcoal in the village communities. I have pointed out that charcoal production by villagers at St. Joseph is carried out mainly for sale. In poor households (*abapengele*) a man's motivation to go out and burn charcoal is to earn cash, to purchase essential household commodities, and not necessarily to provide fuel for his wife's cooking. For cooking purposes, most households in the villages use firewood (*inkuni*). It is expected that a married woman will take time to go out and fetch firewood (*inkuni*) from the forest to use for cooking and heating the main house during cold nights. For this reason, a woman carrying a head-load of firewood (*ichikako-chankuni*) is a common sight at St. Joseph. Of course, a married woman may have special needs to use

charcoal (*amalasha*) and she is within her marital rights to request the husband to burn the charcoal (*amalasha*). Bana-Rhoda made these points clear:

It is foolish (*Bungwa*) for a poor woman (*umupengele*) to expect a husband to burn charcoal (*ukocha-amalasha*) for her specially for cooking purposes. People in town often buy charcoal (*amalasha*) and use it for cooking, here we use firewood (*ikuni*). Firewood is quicker to light and cook with, but there are a few occasions when we use charcoal (*amalasha*) to cook some types of food like chikanda (*Satyria siva*) which requires slow burning charcoal (*amalasha*). Otherwise, men burn charcoal especially for sale. (Interview with Bana-Rhoda, Mupopole Village, 24-05-2002)

Charcoal (*amalasha*) is therefore a very important source of cash for poor households (*abapengele*). Cash from charcoal becomes very important during the hunger period (November to December). Some informants indicated that when they run out of the staple grain, sorghum (*amasaka*) they burn and sell charcoal (*amalasha*) to buy maize flour (*ubunga*) from shops in town. Ba-Sachisola, a charcoal-burner (*kamalasha*) from Safeli village, is a good example of a man who concentrates on charcoal burning (*ukocha-amalasha*) as a way of earning cash to buy food and to pay for other household commodities and services:

For poor people like us (*abapengele*) charcoal burning (*ukocha-amalasha*) is a part of our life. The food we grow does not last the whole year. We start harvesting food from March, by the month of December, our granaries are almost empty, and in January, the school fees are due! During the year, we also have illnesses in the family and we have to pay for medicines (*umuti*). The soils here at St. Joseph are poor, and every year I use some fertiliser bought from cash from charcoal sales. It is a life of problems (*amakataho*). Burning charcoal (*ukocha-amalasha*) is a tough job but it is a fast way of earning cash on a regular basis. On a few occasions my wife also brews and sells beer to earn cash. However, charcoal (*amalasha*) brings in more cash in our household (*panghanda*) and more regularly than any other ventures. (Interview with Ba-Sachisola, Safeli Village, 3-06-2002).

It is clear that for poor households (*abapengele*), money from charcoal burning activities is not only used to pay for food but also to pay for other basic household commodities and services. In contrast, most wealthy households (*ababile*), especially former miners who

have settled at St. Joseph find it convenient to use charcoal (*amalasha*) for cooking and heating. The local charcoal burners (*bakamalasha*) sell them the charcoal at relatively lower prices than it is sold in towns. Wealthy households use both firewood (*inkuni*) and charcoal (*amalasha*) for fuel. In most cases, wealthy people (*ababile*) are not pressed to collect the firewood (*ikuni*) or burn the charcoal (*amalasha*), because poor people (*abapengele*) do it for them at a fee. Bana-Boyd a wife of a wealthy farmer comments:

We spent many years living in a mine township where I was using a small electric stove and charcoal (*amalasha*) for cooking. In 1994, my family moved here from Kitwe town. I have had to quickly adjust to using firewood (*inkuni*) or charcoal (*amalasha*) for fuel. It was tough for me during the early days but I'm now used to this situation. I do not go out to collect the firewood myself, because other women do it for me for small payments of food and some times cash. I also have charcoal burners (*ba-kamalasha*) who sell me charcoal at a good price. I'm careful to ration the use of my charcoal because sometimes especially during the cold season and rain season the prices are high. (Interview with Bana-Boyd, Chamina Village, 12-06-2002)

Wealthy men point out that although charcoal is very important in their livelihoods, it is beneath their social status to engage in charcoal production. For this reason charcoal burning at St. Joseph is associated with poor people (*abapengele*). However not all poor people (*abapengele*) are able to burn charcoal, single women (*abashike*) being a typical example. Widows, divorced women or single women (*abashike*) within the village sometimes need charcoal (*amalasha*) to heat their homes and as indicated earlier, for cooking special dishes. Their charcoal needs are often met through piecework (*amapisiweki*) agreements with charcoal burners (*bakamalasha*). Usually single women offer their labour to pack charcoal (*ukulonga*) into the standard 50 Kg grain bags made of sacking material (*amasaka*). Payments for this work are the smaller pieces of charcoal whose commercial value is considered low by charcoal burners (*bakamalasha*). Bana-Mulonga, a widow from Chamina village lamented:

Concerning charcoal, it is hard for single women (*abashike*) like me. You have no man to make charcoal, so you have to work for it from charcoal burners (*bakamalasha*). After the charcoal has cooled, you are asked to pack it into bags (*ukulonga*). You pack so many bags only to be paid half a bag of small pieces of

charcoal! Normally I use firewood (*inkuni*) and only do this type of work when I'm desperate (*ukupenga*). (Interview with Bana-Mulonga, Chamina village, 12-05-2002).

The impression that charcoal burning is an important source of cash to all poor people (*abapengele*) at St. Joseph is not true. It is clear from the above story of Bana-Mulonga that some poor people (*abapengele*) especially female-headed households (*abashike*) have to work for charcoal from charcoal burners (*bakamalasha*). This is also true of old men and women who do not have the energy to engage in charcoal burning activities. Having made this qualification, in the next section, I look at direct use values from charcoal (*amalasha*), with an emphasis on monetary income for case study households in different wealth categories.

*(ii) Household direct use values from charcoal*

I must hasten to point out that the direct use values estimated here are gross values. It is important to note the several inputs made by the charcoal burner before charcoal is ready for sale at the market. There is the cost of labour and trees (*ifiti*), bags (*amasaka*), rubber string (*imipila*), shovel (*fosholo*), hoe (*ise*), axe, and wheelbarrow, bicycle (*inkinga*) for transportation to town markets. In this case, I have only estimated the value of charcoal (*amalasha*) used by households or sold at the markets locally or nearby town markets of Kitwe and Kalulushi based on the average market price. I have not discounted the costs of inputs. As I discuss the monetary value of charcoal, it is also important to understand the present law in respect to production and sale of charcoal (*amalasha*). The Forest Act Chapter 199 of the Laws of Zambia, provides that:

Save and in so far as it is permissible under this Act or any other written law so to do, no person shall without a licence manufacture wood into charcoal or offer for sale or remove charcoal in or from any State Lands or Customary areas. (Republic of Zambia 1995a: Section 28.)

In keeping with this provision, a licence is issued to charcoal burners. The period of licence varies between two weeks to three months. The licence is meant to be a control mechanism for people involved in forest production. Charges for licences vary and are dependent on the volume of charcoal to be produced. For those involved only in delivery and sale of charcoal, forestry staff per bag charges a small fee of K360. However, if trees

are cut and charcoal is used on the farm or within the village then such use is exempt from charges. (Interview with District Forest Officer, 7-12-1999).

As I stated earlier, charcoal burning (*ukocha-amalasha*) is an important source of cash amongst the village people of St. Joseph. The making of charcoal is exclusively regarded as a man's job and women only help in providing fuel material for the kiln (*ukubika-amashasha*) and in the packing of charcoal (*ukulonga*) in readiness for sale. Charcoal has a big market amongst the relatively nearby urban populations of Kalulushi and Kitwe as well as the mission staff. A charcoal kiln of sides about 4m long, 3m wide and 2m high is normally constructed from two 'big' trees and produces about 30 bags of charcoal (*amalasha*). The average retail price of charcoal at the time of fieldwork was K8, 000 per bag. Some bags of charcoal are sold to teachers and medical staff working at St. Joseph health centre and schools. However charcoal burners (*bakamalasha*) prefer to transport the charcoal (*amalasha*) by bicycle (*ikinga*) and sell it at nearby towns of Kalulushi or Kitwe where the price is higher.

I have estimated the direct use values from charcoal by multiplying the number of charcoal bags (*amalasha*) used or sold by a case study household by the average local price per bag. The average price (K8, 000) per bag of charcoal that I have used in the calculations of direct use values is based on prices in effect during period (January 2001 to January 2002) at St. Joseph and Kalulushi or Kitwe. Within the townships of Kalulushi and Kitwe the prices of charcoal (*amalasha*) keep changing depending on how well a customer bargains. Ba-Daimandi a charcoal burner complained:

Town people always want our prices to be low. They always ask for a discount and a lot of time is spent discussing the price with a customer. Out of desperation (*ukupenga*), we sell our charcoal lower than we are supposed to! We are usually desperate because we cannot afford to take the charcoal back home. In addition we have no accommodation in town and cannot afford to spend the night. Having these problems in mind we simply sell the charcoal quickly and start the long bicycle ride home. (Ba-Daimandi, Chibundi Village, 13-03-2001).

On some occasions traders from town come to the village to arrange to buy charcoal (*amalasha*) in bulk (*ukukungula*). This is good for the local charcoal burners because they do not have to think about transporting the charcoal to town. However, when this happens,

the traders offer a low price for the charcoal (*amalasha*). The local charcoal burners (*bakamalasha*) are not organised enough to demand one standard price.

**Table 10.3 Household direct-use values from charcoal**

	Household Case studies			
	Case 1: Bana- Mulonga	Case 2: Bashi- Clementi	Case 3: Ba-Daimandi	Case 4: Bashi-Pati
Wealth ranking	Poor <i>Abapengele</i>	poor <i>Abapengele</i>	Well-off <i>Abalifyenka</i>	Wealthy <i>Ababile</i>
Bags used	2	3	3	8
Direct- use value	K16, 000	K 24, 000	K24, 000	K64, 000
Bags sold	0	93	61	0
Direct- use value	0	K744, 000	K488, 000	0
<b>Total value</b>	<b>K 16,000</b>	<b>K768,000</b>	<b>K512, 000</b>	<b>K64, 000</b>

Average retail price per bag of charcoal K8, 000.

Source: Data recorded by research assistants from January 2001 to January 2002.

In order to record differences in direct-use values of charcoal (*amalasha*) between households, four case study households representing the three wealth categories were selected from the sample of sixteen households studied in detail. A record was kept by research assistants at each village of the number of charcoal bags (*amasaka*) used by a case study household on a monthly basis, and the number of charcoal bags (*amasaka*) sold. To avoid confusion, women from case study homes were requested only to keep a count of the number of charcoal bags they used in a month. A record was only made after a full bag was used. In many cases a complete bag was only recorded after four to six months as the households rarely used charcoal. Men were also requested to keep a count of the number of charcoal bags they sold locally and in nearby towns on a monthly basis. The records were kept for a period of one year (January 2001 to January 2002).

As I pointed out earlier, direct use values from charcoal for each case study household are calculated by multiplying the number of bags used or sold by the average price (K8, 000). Table 10.3 shows household direct-use values from charcoal (*amalasha*) of four households differentiated according to wealth categories. I have deliberately included two case study households from the low-income (*abapengele*) wealth category to illustrate the difference in direct use values between those who sell and those who do not sell charcoal.



Irrespective of wealthy category, all the four case study households used charcoal (*amalasha*). It should also be noted that the low and middle-income (*abapengele / abaliko-fyenka*) households use very few (2 or 3) bags (*amasaka*) of charcoal per year. Some low-income households are not even able to take part in charcoal burning (*ukocha-amalasha*) and work for the few bags they use in the year. This is true in the case of Bana-Mulonga (case 1) who is a widow. She only used two bags of charcoal worth K16, 000 which, she earned from charcoal burners (*bakamalasha*) through piecework (*amapisiweki*).

Some charcoal burners (*bakamalasha*) in low-income (*abapengele*) and middle income (*abaliko-fyenka*) wealth categories (cases 2 and 3), sell a lot more charcoal (*amalasha*) than they use. Their direct use values from charcoal are as high as K768 000 and K512 000 respectively. As pointed out earlier the primary motive for these households to engage in charcoal burning (*ukocha-amalasha*) is to earn cash. In contrast, wealthy households (*ababile*) at St. Joseph use a lot more charcoal (*amalasha*) than the poor (*abapengele / abaliko-fyenka*). However, wealthy households do not engage themselves in charcoal burning (*ukocha-amalasha*) or in the sale of charcoal. For this reason, the direct use values from charcoal for poorer households tend to be relatively higher than of wealthier households. For example, in case 4 Bashi-Pati's household direct use values from charcoal are as low as K64, 000 per year. He is a wealthy farmer and his wife buys charcoal from charcoal burners for cooking and heating the house. His wife also uses firewood, which she buys from poorer (*abapengele*) women in exchange for food.

I would like to conclude this case study by submitting that charcoal burning (*ukocha-amalasha*) at St. Joseph is a very important source of cash to those households engaged in it, especially poor households (*abapengele*). However, because the primary social actors engaged in charcoal burning are men and older boys (*abasankwa*), female-headed households only benefit to a small extent, by providing labour for packing charcoal. Wealthy households derive their benefits through cheap purchases of charcoal (*amalasha*) from charcoal burners (*bakamalasha*). In the next section, I will now discuss issues regarding access and control over forest trees suitable for charcoal burning (*ukocha-amalasha*) within the village territories.

### 10.3.2 Resource tenure of trees for charcoal

The primary raw materials for charcoal burning are trees (*ifiti*). For this reason, forestland with suitable trees for charcoal burning such as *kapungwe*, *Julbernardia paniculata* (*mutondo*), *Isoberlinia angolensis* (*mutubo*), *Pericopsis angolensis* (*mubanga*) and *Parinari curatellifolia* (*mupundu*) is valuable to charcoal burners (*bakamalasha*). However, my several walks through the villages' territories revealed that there is a scarcity of forestland (*iyamba*) at St. Joseph. The nearest forestland (*iyamba*) to the case study village communities lies between Chibundi and Mukotami villages, a distance of about 4 kilometres. This stretch of land has no rivers or streams. Because of the lack of water resources in the area, there is little human activity. However, a few wealthy (*ababile*) farmers, mostly outsiders (*abensu*) living there have managed to excavate deep wells (*imikalo*). The local people do not like to develop residential sites there because water (*amenda*) is hard to find. This area is often referred to as 'over yonder' (*kumutunta*) and is the only area in which charcoal burning activities are taking place at St. Joseph. Other wise most of the land at St. Joseph does not have sufficient trees for charcoal burning purposes. Concerning the depletion of forestland (*iyamba*) within the village territories, Bashi-Clementi reflects:

People (*abantu*) here argue that the charcoal burners (*bakamalasha*) have depleted the trees (*ifiti*) here at St. Joseph. What I know is that the whole of the St. Joseph area had many trees (*ifiti*) during the 1960s and 1970s. In those years, we never went far to find trees for charcoal burning or cut and burn gardens (*ifiteme*). Both charcoal burning (*ukocha-amalasha*), and cut and burn farming system (*ifiteme*) have contributed to depletion of trees (*ifiti*). Now we go as far as Mukotami's area to fight over trees (*ifiti*)! If those who have gone before us were to rise, they would be shocked that trees are now so scarce. (Interview with Bashi-Clementi, Chibundi village, 9-02-2002).

Finding suitable trees for charcoal burning is becoming harder. Suitable trees are far off from the villages. The diminishing stock of trees in the village territory is worrying to both charcoal burners (*bakamalasha*) and women who have to travel long distances to collect the head-loads of firewood (*ikuni*). Farmers who have acquired farm permits from the chief and district council have already claimed a large portion of the forestlands (*iyamba*).

Although people only cultivate small portions of land, they tend to acquire a lot of land for a farm most of which lies uncultivated covered with trees and brush.

Farmers would like to clear the land for their cultivation but usually lack the resources to hire sufficient labour to do it. Thus, charcoal burners (*bakamalasha*) now entering into land clearing agreements with farmers. In order to gain access to trees suitable for charcoal burning, a charcoal burner negotiates with the farm owner. The farm owner normally allocates the charcoal burner a site for a charcoal kiln (*ichibili*) in an area where he would like the land to be cleared of trees for later cultivation (*ukusakula apakulima*). The land is loaned (*ukwashimisha*) to the charcoal burner (*kamalasha*) only for a short period to allow for charcoal production and women from the village communities are allowed to pick deadwood for firewood. At the end of the agreed period, the farm owner takes charge of the site, stumps and hoes the land to grow crop. In this way, the charcoal burner (*kamalasha*) benefits from charcoal production and the farmer gets his land cleared.

Not only wealthy farmers own land with forest trees. Headmen (*bakulu-bamushi*) also have some tracts of land with forest trees under their direct control. All the headmen I spoke to condemned the depletion of trees (*ifiti*) by charcoal burners (*bakamalasha*) and indicated that they did not allow charcoal-burning activities on their village commons. However, in practice village elders (*bafilolo*) and headmen (*bakulu-bamushi*) have been quick to realise the charcoal (*amalasha*) monetary value of trees from forestlands and usually negotiate with charcoal burners (*bakamalasha*) to benefit. In return for one or two bags of charcoal (*amalasha*), some headmen (*bakulu-bamushi*) allow charcoal burners to operate on the village forestlands.

## **10.4 Case study: Wild edible vegetables and mushrooms**

### **10.4.1 Livelihood context**

From the crop fields of the village communities and from the village commons of St. Joseph grow several edible varieties of wild vegetables (*musampala*) and mushrooms (*ubowa*). Most varieties of mushrooms (*ubowa*) and wild edible vegetables (*musampala*) are found in small quantities, however there a few varieties, which people collect, consume and sell in large quantities. Tables 10.4 and 10.5 show matrix scores for collection sites

abundance, revenue importance and home use of wild vegetables and mushrooms at St. Joseph village communities.

**Table 10.4 Matrix scoring by women for selected wild vegetables' sites, abundance, revenue and home use.**

VEGETABLE NAME		COLLECTED FROM:		ABUNDANCE/ REVENUE AND USE		
Lamba name	Scientific name	Crop Fields	Commons	Abundance	Sale	Home use
<i>Kanunka</i>	<i>Bidens Pilosa</i>	7	3	6	0	4
<i>Mankolobwe</i>	<i>Cucumis Sp</i>	9	5	6	5	7
<i>Lubanga</i>	<i>Cleome Gynandra</i>	8	4	5	7	8
<i>Lusakasaka</i>	<i>Corchorus</i>	8	4	7	7	8
<i>Mumbu</i>	<i>Coleus Esculentus</i>	7	3	5	6	4
<i>Ibondwe</i>	<i>Amarantus</i>	10	1	10	8	10
<i>Pupwe</i>	<i>Fagara Chalydea</i>	4	8	8	8	9

**Key:** Crop fields 1 = rarely collected from crop fields; Crop fields 10 = Highly collected from crop fields. Commons 1 = rarely collected from the village commons; Commons 10 = Highly collected from the village commons; Abundance 1 = low quantities available; Abundance 10 = large quantities available. Sale 1= rarely collected for sale; Sale 10 = Highly collected for sale; Home use 1 = rarely collected for home use; Home use 10 = Highly collected for home use.

Source: Fieldwork (women focus group discussion and RRA exercise) 2001.

There are certain varieties of wild vegetables and mushrooms that tend to grow well on disturbed soils of village crop fields and others that grow well on the uncultivated village common land. For example, from Table 10.4 it is clear that the wild vegetable *Amarantus (ibondwe)* is collected more from or around crop fields than it is from the uncultivated lands of the village commons. The vegetable *Amarantus (ibondwe)* is also found in abundance around St. Joseph. It is also clear in Table 10.5 that the mushroom *Macrolepiota procera (Kankolenkole)* is the only mushroom variety mostly collected from crop fields than the village commons. The rest of the mushroom types are collected mostly from the uncultivated village commons or forestlands (*iyamba*).

**Table 10.5 Matrix scoring for selected mushrooms' sites and abundance, revenue importance and home use.**

MUSHROOM NAME		COLLECTED FROM:		ABUNDANCE/ REVENUE AND USE		
Bemba name	Scientific name	Crop/fallow Fields	Commons	Abundance	Sale	Home use
<i>Busefwe</i>	<i>Lactarius gymnocarpus</i>	1	8	7	7	7
<i>Ubukungwa</i>	<i>Termitomyces titanicus</i>	2	9	6	8	7
<i>Ubwitondwe</i>	<i>Cantharellus miniatescens</i>	1	8	7	6	8
<i>Kabansa</i>	<i>Lactarius kabansus</i>	1	9	7	7	8
<i>Kankolenkole</i>	<i>Macrolepiota procera</i>	8	2	6	3	4
<i>Tande</i>	<i>Termitomyces microcarpus</i>	2	8	6	7	9
<i>Telya</i>	<i>Amanita Zambiana</i>	1	7	7	8	9

**Key:** Crop fields 1 = rarely collected from crop fields; Crop fields 10 = Highly collected from crop fields. Commons 1 = rarely collected from the village commons; Commons 10 = Highly collected from the village commons; Abundance 1 = low quantities available; Abundance 10 = large quantities available. Sale 1= rarely collected for sale; Sale 10 = Highly collected for sale; Home use 1 = rarely collected for home use; Home use 10 = Highly collected for home use.

Source: Fieldwork (women focus group discussion and RRA exercise) 2001.

Wild vegetables (*umusampala*) are seasonal; they are available during the rain season (*mumfula*) from the month of November to April. Mushrooms (*ubowa*) are also in season during the rains for three months from November to January of the following year. Indeed several varieties of wild vegetables (*umusampala*) and mushrooms (*ubowa*) are regarded as delicacies because they are only available in limited quantities and for short periods each year. By custom women are responsible for daily provisioning of their households, thus, collection, preservation (*ukufubulula*) and cooking of wild vegetables (*umusampala*) and mushrooms (*ubowa*) are regarded as women's responsibilities. By extension, collection of wild foods by wives' is understood as wives' conjugal obligations to their husbands. Thus, women usually mobilise the labour of their younger children to go out and collect wild edible vegetables and mushrooms.

During the first week of November mushrooms are found in small quantities and are collected mostly for home consumption. However it is during this period when the price of mushrooms is at its highest because of the small quantities that are found at the market places. In the last week of November and during the month of December mushrooms (*ubowa*) in the distant forestlands (*iyamba*) of St. Joseph are at their peak of abundance. In order to preserve the wild vegetables and mushrooms for later use, they are either par boiled (*ukufubulula*) or simply left to dry in the sun (*ukwanika*). Most women are able to collect enough for home consumption and for sale. The price during this time is relatively lower than that of early November.

As in most rural areas of Zambia, normally households at St. Joseph take two main meals in a day, the morning meal (*iyakasuba*) and the evening meal (*yabushiku*). The main dish at the two meals is usually sorghum (*amasaka*) or maize (*amataba*) thick porridge (*inshima*) which is taken with a relish (*umunanani*). For many households, wild edible vegetables (*musampala*) and mushrooms (*ubowa*) are widely used as relish (*umunani*). Because the two grow naturally and are simply collected by women and children around crop fields and forestlands (*iyamba*), they serve as cheap alternatives to expensive relishes such as meat, fish and other cultivated relishes. When they are out of season the dried wild vegetables and mushrooms are cooked and flavoured with a powder of groundnuts (*intwilo*).

I must hasten to say that the women normally closely supervise their children during the picking of mushrooms to ensure that they separate the edible types from the poisonous ones (*ifyanafyabene*) such as *ibunge* or *ichipalu*. The wild vegetables (*umusampala*) and mushrooms (*ubowa*) are not only collected for home consumption but for sale at the markets of the nearby towns of Kalulushi and Kitwe. Both wild edible vegetables (*umusampala*) and mushrooms (*ubowa*) have a good market amongst the town people in Kitwe and Kalulushi. They are considered as delicacies because they are only available in small quantities and for short periods of the year.

As I pointed out earlier, wild vegetables and mushrooms grow on their own in a scattered pattern and are thus not located in one place. Driven by the need for food and cash, women spend a considerable amount of their time during the rain season looking for and collecting wild vegetables (*umusampala*) and mushrooms (*ubowa*). Because the season for

wild edible vegetables and mushrooms coincides with the rain season (see Appendix A), women's input in agricultural activities is affected. The collection of these two wild foods puts pressure on women's time management. Most women are not prepared to forego the current opportunity to collect wild vegetables and mushroom for sale and consumption in order to invest their labour in cultivation of crop whose income will materialise after some months. Bana-Loda, a divorced woman who collects mushrooms especially for sale reflected:

The rainy season does not wait for anyone! Poor (*abapengele*) women like me have to do both collection of wild vegetables and mushrooms for sale and consumption and cultivation of sorghum (*amasaka*) for consumption later. I can not abandon crop cultivation, lest my children starve later in the year. However, I can not abandon collection of wild vegetables (*umusampala*) and mushrooms (*ubowa*) either because we use them as relish (*umunani*) to the sorghum thick porridge (*inshima*) and sell the rest for cash. I normally wake up very early to travel the long distance to the forestlands (*iyamba*) to collect mushrooms (*ubowa*). If you are slack (*ubufila*) you will not cope. Picking of mushrooms is very competitive. Other women will search the same sites and if you get there late, you find nothing! (Bana-Loda, Mupopele Village, 15-12-2001).

It is clear in the above sentiments of Bana-Kozi that women during the rain season are under pressure with time management in respect of natural food collection activities and cultivation of the staple crop. During this period women have the opportunity to go out and collect wild vegetables and mushrooms from which they earn a cash income which they are able to control free of their husbands. At the same time, women value the natural foods for household consumption. In the next section, I will discuss the social differences with regard to collection, use and sale of wild edible vegetables and mushrooms within the case study village communities.

#### *(i) Social differences*

It is important for us understand the social differences in respect to the importance of wild edible vegetables and mushrooms as a livelihood resource for different households in the case study village communities. This is so because individual and household social differences influence participation in harvest, consumption and sale of both wild

vegetables and mushrooms. I have already stressed the importance of these two natural foods for household consumption and cash income.

I have also indicated that women by virtue of their customary (*intambi*) responsibility as food providers are the main social actors in the harvesting of wild vegetables and mushrooms. In particular single women (*abashike*) heading households who were mostly categorised as poor (*abapengele*) in wealth ranking are motivated to go out and harvest wild vegetables and mushrooms to feed their households. Second, they harvest for sale in order to earn cash and buy basic household essentials. Bana-Mary a widow emphasises differences in marital status and dependence on natural foods such as wild vegetables (*umusampala*) and mushrooms (*ubowa*):

Life is hard for widows or single women (*abashike*) here at St. Joseph. We go through problems and problems (*amapensho!*). You have to do everything because you have no man to help you. When my husband was alive, life was relatively easy (*fyenka lukoso*) because he was a hard worker (*umupyunga*). He cultivated for me and brought in money from sales of charcoal (*amalasha*). Now I have to hoe for myself, and find time to collect natural foods for consumption and sale. Otherwise where will I get the money to buy soap, sugar, salt or cooking oil for the household. Who will buy me cloth material (*ichitenge*) to wear? The soils here at Chamina are poor, and every year I buy a little fertiliser to improve my crop yield. Even then, cultivated foods don't last the year. During the rain season, which is the most difficult time for us, because of hunger (*ilya impindi tulaponenwa ne-kaumbo!*) wild vegetables (*umusampala*), especially (*ibondwe*) keeps the hunger from our homes. Although they are now hard to find mushrooms (*ubowa*) have a good price in town and bring in money and we have to travel the long distances to find them for the benefit of our children (*abana*). (Interview with Bana-Mary, 14-01-2002, Chamina Village).

The rain season as indicated by Bana-Mary above is a time of cultivated food scarcity (*kaumbo / insala*) for poor people (*abapengele*). It is often referred to as the hunger period (*impindi ya kaumbo / munsala*). Most poor people (*abapengele*) depend on “work for food” (*ukubombela-ifilyo*) from the wealthy farmers or harvesting of natural foods. During this period the harvest and use of wild vegetables (*umusampala*) and mushrooms (*ubowa*) for relish (*umunani*) is high amongst the poor (*abapengele*) as it does not require expenditure of cash. It is also important to note that at St. Joseph men eat almost all types



of edible wild vegetables without much fuss, including mucilaginous or slippery leaf vegetables (*umulembwe*) which some men in some parts of rural Zambia ignore.

Poor households at St. Joseph rarely have meat, chicken or fish as part of their meals. Of course, a man may sometimes buy a few kilograms of fish or meat after selling charcoal at the town markets or a woman wild vegetables or mushrooms. This is done only when other basic household essentials have been purchased. Otherwise relish foods (*umunani*) such as meat, fish or chicken is too costly for poor households (*abapengele*). Consumption of such foods is strongly associated with wealthy individuals and households (*ababile*). The importance of wild vegetables and mushrooms to poor households (*abapengele*) should be viewed from this perspective. They serve as a safety net for the poor during the hunger period (*munsala*).

In contrast, the wealthy households of St. Joseph largely depend on irrigated gardens (*amagaladeni*) for their daily requirements of vegetables. I pointed out in Chapter 9 that some farmers at St. Joseph are involved in green market vegetable gardening (*amagaladeni*). Varieties of exotic vegetables are grown in these gardens mainly for sale at the nearby towns. For the wealthy people at St. Joseph these gardens provide vegetables for their consumption. However, this is not to say that wealthy people do not eat wild edible vegetables (*umusampala*). They rarely collect them but buy them from others for a change in their diet. Bana-Mukuta, a wife of a wealthy maize cash crop farmer cultivates a green market garden on her own account. She had this to say concerning consumption of wild vegetables by wealthy people:

The start of the rain season also marks the drop in sales of exotic vegetables here at St. Joseph because natural vegetables are in season. We all know that exotic vegetables are flat in taste because we use chemical fertilisers to grow them. Natural vegetables (*umusampala*) are more tasty (*ukununkila*) than exotic vegetables. Many varieties of natural vegetables only last for a short period and that's another reason why people yearn for them. On some occasions some women collect natural vegetables and come over to me so that I can exchange my exotic vegetables with them. I'm usually happy to do so because I also love the taste of natural vegetables (*umusampala*). Because I do not have much time to go out and collect them from the

bush, sometimes I simply buy the wild vegetables or mushrooms from the vendors.  
(Interview with Bana-Mukuta, Chibundi Village, 11-02-02).

It is clear that people from wealthy households also enjoy eating natural vegetables and mushrooms because they are tasty (*ukununkila*). Although wealthy individuals and households may not go out and collect wild edible vegetables (*umusampala*) and mushrooms (*ubowa*), they are prepared to pay for them. In the next section, I discuss the monetary importance of these two natural foods according to wealth categories of some selected case study households using the concept of direct use values.

*(ii) Household direct-use values from wild vegetables and mushrooms*

In the last section, I have discussed the social differences that influence the collection, use and sale of wild edible vegetables and mushrooms. Some differences have been revealed along gender, marital status and wealth. In this section, as above I now discuss the importance of wild vegetables and mushrooms in monetary terms using the direct use values concept. As in Chapter 8 the values are calculated by multiplying the amount of wild vegetables or mushrooms consumed or traded by a household by the average local price per unit of measure.

I have used the average prices of wild vegetables and mushrooms, that were in effect during the fieldwork period (January 2001 to January 2002) at St. Joseph markets, Kalulushi and Kitwe town markets. I purchased samples of the vegetables and mushrooms to determine the weights and unit prices. The market measure of a unit of wild vegetables (*umusampala*) at these markets is a bundle (*akakako*) or heap (*umupili*) weighing about 250 grams and sold at an average price of K250. The unit measure for wild mushrooms (*ubowa*) is a heap (*umupili*) weighing about 300 grams piled on a mat or sackcloth and sold at an average price of K1500.

**Table 10.6: Household direct-use values from wild edible vegetables and mushrooms**

	Household case studies			
	Case 1: Bana-Loda	Case 2: Bana-Mary	Case 3: Bana-Pati	Case 4: Bana-Mukuta
Wealth ranking	Poor <i>Abapengele</i>	Poor <i>Abapengele</i>	Well-off <i>Abaliko-fyenka</i>	Wealthy <i>Ababile</i>
Household Size	4	3	4	5
<b>Wild vegetables</b>				
Meals Consumed	141	135	74	39
Direct- use value	K141, 000	K101, 250	K74, 000	K 48, 750
Bundles sold	0	805	0	0
Direct- use value	0	K201, 250	0	0
<i>Sub-Total</i>	<b>K141, 000</b>	<b>K 302, 500</b>	<b>K 74, 000</b>	<b>K48, 750</b>
<b>Wild mushrooms</b>				
Meals Consumed	113	90	72	64
Direct- use value	K675, 000	K405, 000	K432, 000	K480, 000
Heaps sold	320	352	230	0
Direct- use value	K480, 000	K 528, 000	K345, 000	0
<b>Sub-Total</b>	<b>K1, 155, 000</b>	<b>K933, 000</b>	<b>K777, 000</b>	<b>K480,000</b>
<b>Total</b>	<b>K1, 296, 000</b>	<b>K1, 235,500</b>	<b>K 851, 000</b>	<b>K528,750</b>

Source: Data recorded by female research assistants for morning (*yakasuba*) and evening meals (*yabushiku*) between January 2001 to January 2002. During the same period bundles (*utukako*) and heaps (*imina*) of wild vegetables and mushrooms sold were recorded.

An estimate by women informants of one person's share of vegetables and mushrooms per meal is close to one market unit of measure (*akakako* or *umupili*) of wild vegetables or mushroom per meal. This is used in the calculations of direct use values. To simplify the calculation it is assumed that all members of the household took part in every meal. Therefore, the direct use values for the number of meals consumed are estimated by multiplying the number of meals by the number of members of the household and by the unit price. This approach over-estimates the direct use values because it is not in all instances that all members of the household take part in a meal. However, I must again point out that visitors (*abensu*) to case study households are not accounted for in this way of estimating for direct use values and by custom households are obliged to feed visitors

(*abensu*). Table 10.6 household direct-use values from wild edible vegetables and mushrooms

To illustrate differences in direct-use values of wild edible vegetables and mushrooms I have selected and presented information from four case study households representing the three wealth categories. I have deliberately included two case study households from the low-income (*abapengele*) wealth category to illustrate the difference in direct use values even amongst the poor who are the main social actors in collection of wild vegetables and mushrooms. All households in Table 10.6 consumed wild vegetables and mushrooms during the year. However, poorer households (*abapengele*) consumed more than wealthy households (*ababile*) did.

There is little difference in the number of wild vegetable meals consumed between the poor households (cases 1 and 2). There is a difference of 23 mushroom meals consumed between the same poor households (*abapengele*). Bana-Mary (case 2) told me that she sold a lot more than was consumed, because she planned to buy shoes for her two children. For the same reason, she also made several journeys to town on foot to sell varieties of wild vegetables (*umusampala*). Bana-Loda and Bana-Pati (cases 1 and 3) indicated that the prices of wild vegetables were rather low. Thus, they concentrated on collection and sale of mushrooms (*ubowa*). Bana-Pati, however said she could not collect as much mushroom (*ubowa*) as she would have liked. This was because most of her time was spent helping her husband to clear land on a new green market garden site he had recently acquired. Here we see conjugal cultivation obligations to a husband by a wife getting in the way of her plans to collect mushrooms and earn more cash for the household.

The wealthy household (*ababile*) of Bana-Mukuta (case 4) consumed the least number of wild vegetable (*umusampala*) and mushroom (*ubowa*) meals. The household does not collect wild vegetables or mushrooms and depends more on exotic vegetables from its green market garden (*galadeni*). Consequently the direct use values from wild vegetables and mushrooms for this wealthy household are lower than values for the poorer (cases 1, 2, and 3) households (*abapengele* / *abaliko-fyenka*). In sum the direct use values from wild vegetables and mushrooms for poor households who are usually female headed households, or widows are higher than of wealthier households. For instance, Bana-Loda's household (case 1) has the highest direct use value from wild vegetables and mushrooms

amounting to K1, 296, 000. In contrast, the direct use value from wild vegetables and mushrooms of the wealthy household of Bana-Mukuta (case 4) amounts to K528, 750 and is the lowest. In the next section, I discuss resource tenure practices and institutions with regard to wild vegetables (*umusampala*) and mushrooms (*ubowa*).

#### **10.4.2 Resource tenure of wild edible vegetables and mushrooms**

I have pointed out earlier that several edible varieties of wild vegetables (*musampala*) and mushrooms (*ubowa*) grow in the village territories at St. Joseph. Women in a focus group discussion indicated that most of the wild edible vegetables grow well on disturbed soils on or near crop fields. This is especially true in respect of vegetables like *Amarantus* (*Ibondwe*), *Bidens Pilosa* (*Kanunka*), *Cucumis Sp* (*Mankolobwe*), *Cleome Gynandra* (*Lubanga*), and *Corchorus* (*Lusakasaka*). The vegetables that grow near the residential sites and crop fields in large quantities specifically *Amarantus* (*ibondwe*) are very popular amongst women, because they take little time to pick. Women also find it easy to protect and lay claim on vegetables (*umusapala*) growing near or on their crop fields, because crop fields are individually owned.

Strictly speaking, according to custom individuals are not supposed to claim individual ownership of natural products. Thus, women in the village communities are free to harvest natural vegetables and mushrooms from uncultivated land and crop fields which, are in fallow. However, no individual is allowed to enter another individual's crop field (*ibala / ifiteme*) which, has standing crop without his or her permission. This is because by custom rights in crop fields are individual. Taking advantage of this understanding women claim ownership of wild vegetables growing on their crop fields on the basis of their labour input to protect and nature the vegetables so that they are not swamped with other weed. Thus, in practice ownership of wild edible vegetables depends on the ownership of the crop field on which they happen to be growing.<sup>28</sup> Consequently, the woman of the house controls access to wild vegetables or mushrooms growing on a crop field. In sum, crop fields are exclusively owned and women exclusively manage wild edible vegetables growing on them during the rain season but after the harvest season, they revert to common use. Bana-Matempa of Chibundi village clarified tenure of wild vegetables on crop fields to me:

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<sup>28</sup> Similar observations by Kepe (2002: 115 -116).

The crop field belongs to me because my husband and I clear and cultivate it. For this reason, no woman should go to harvest any thing growing on it without my permission. Not even my husband should give permission to anyone to go onto my crop field to harvest wild vegetables (*umusampala*) or mushrooms (*ubowa*) without first discussing it with me. I'm the one who weeds the crop field and I know the patches of wild vegetables, which I protect. I'm the one who makes the choices during weeding as to which type of wild vegetables to retain and which ones to weed out. Therefore, the vegetables belong to my household. Normally I only allow my relatives (*abakwasu*) and friends (*ababyesu*) who assist me with weeding and harvesting. Even when I give permission (*ulusa*) to another to harvest, vegetables (*umusampala*) I will be there to see that it is done well or I will simply do it my self. Some women harvest poorly (*ukukonda*). They simply have a bad hand! We also have lazy (*abafila*) thieving women here, because on some mornings, I have seen strange footprints in my crop fields and I can tell that my vegetables have been tampered with. After the harvest, there is hardly any thing to protect in the crop fields and people can move about as much as they wish. (Interview with Bana-Matempa, Chibundi Village, 13-06-2002).

Relationships between neighbouring households include co-operation between wives in respect to access to wild vegetables and mushrooms on each other's crop fields. This is subject to observance of polite courtesies, specifically asking for permission (*ulusa*). Co-operation of this nature is often common only where households of friendly relatives live in close proximity in the village.

Only a few types of mushrooms such as *Macrolepiota procera* (*Kankolenkole*) grow on crop fields and are popular amongst women. Most edible varieties of mushrooms such as *Lactarius kabansus* (*Kabansa*), *Termitomyces microcarpus* (*Tande*), *Lactarius gymnocarpus* (*Busefwe*), *Termitomyces titanicus* (*Ubunkungwa*), *Cantharellus miniatescens* (*Ubwitondwe*), *Amanita Zambia* (*Telya*) grow well in forestlands (*iyamba*). As I said earlier forestlands at St. Joseph are scarce and are found in distant places between Chibundi village and Mukotami village. Thus, women have to travel the long distances to go and search, and harvest the mushrooms (*ubowa*). It is important to note that not all forestland (*iyamba*) is common property. Large tracts of land within the forest areas (*iyamba*) of St. Joseph belong to farmers who have farm permit documents issued by the chief and the local authorities. However, there is no clear pattern or boundaries in the lay

out of these private farms in relation to the uncultivated village commons. Women who go out to collect wild vegetables, mushrooms or other natural products are careful not to stray on these private lands without first getting permission (*ulusa*) from the owners.

As stated in section 9.4.4 in Chapter 9 farmers who have acquired farm permits for their land most of which is uncultivated forest land (*iyamba*) are usually wealthy (*ababile*). The forest areas (*iyamba*) of farms provide good sites for wild vegetables (*umusampala*) and mushrooms (*ubowa*). Women at a focus group discussion indicated that as much as possible they avoid problems with farm owners (*bamafamu*). Before entering the boundaries of a private farm, women normally make a courtesy call at the farmhouse and announce their intention to harvest wild vegetables or mushrooms. Normally farm owners are satisfied with this polite approach. It was made abundantly clear to me that most women avoid land and natural resources problems with wealthy farmers because they fear the wrath of traditional leaders who usually take the side of wealthy farmers. Bana-Samu who usually collects mushrooms from the forestlands (*iyamba*) made some instructive comments on this issue:

We are poor women (*abapengele*), and in most cases, we depend on wealthy farmers for piecework in payment for food and cash. Even if wealthy farmers are outsiders (*abensu*) they usually have friendly relations with the chief (*imfumu*), chief's advisers (*bafilolo*), and with headmen (*bakulu-bamushi*). It is not wise to upset them especially if you are a single woman (*umushike*) because who will speak for you? That's why we always ask them politely before we can collect any wild vegetables or mushrooms from forestland (*iyamba*) within their farm boundaries. (Interview with Bana-Samu, Mupopele Village, 02-06-2002)

At a focus group discussion women made it abundantly clear that they would prefer to operate under a tenure arrangement in which, rights to natural resources which, they depend on for the construction of their livelihoods are respected and protected. They lamented their weak position in the village with respect to land allocation, which, they argued is dominated by men, and traditional leaders who pay little attention to the needs of women. They pointed out that wealthy (*ababile*) farmers are not wrong to protect their farms from trespass. However the women put the blame on traditional leaders for 'giving away' large tracts of land with natural resources on them such as wild edible vegetables

and mushrooms especially to outsiders (*abensu*) without bearing the needs of women in mind. This has resulted in loss of common property rights on that particular land, even when it is not cultivated women have to request for permission of the farm owner to collect wild vegetables or mushrooms.

The village women are disappointed that the traditional leaders in whom the administration of land and natural resources is entrusted have failed to ensure that individual and community rights in village land are assured. If this trend of appropriation of community property in land is allowed to continue the women fear that there will be nothing left of common land and resources for their children. In the next section, the case of thatch grass (*ichani*) and wild forest building poles (*impopo*, or *insona*) is used to demonstrate the contribution and importance of natural resources in the livelihoods of people at St. Joseph village communities.

## **10.5 Case study: Thatch grasses and forest trees for building poles**

### **10.5.1 Livelihood context**

The case study in this section is focussed on the use of thatch grass (*ichani*) and wild forest building poles (*impopo* or *insona*) as construction materials of houses and other functional structures on a household residential site. A residential site at St. Joseph may consist of several functional structures. However, for most households the most important asset on a residential site is the traditional house commonly known as *inghanda-yafiti* (literally meaning a house made of trees). A house (*inghanda*) is important first because it provides shelter, security, and privacy. Second, it is an investment and in addition, it provides social identity of individuals and households. The traditional house often consists of a small circular or rectangular room and most household activities are done outdoors and thus the house is usually strictly a sleeping quarters.

Building a house (*inghanda*) for a wife is an important conjugal obligation for a married man. For this reason, men are the primary social actors of the house building process. Each residential site (*panghanda*) has a main house in which the head of the household sleeps. Young boys and girls up to age of about ten years usually share the same house as their father and mother. Older boys (*abasankwa*) and girls by custom are considered too old to sleep under the same roof as their parents. A single older girl (*moye*) looks up to her father



and older brothers if she has any to build a hut for her. By custom a widow or divorcee (*umushike*) has a legitimate moral claim on her male matrilineal relatives to construct a hut for her. However, my informants indicated that in practice, it is not an easy matter nowadays for a single woman (*umushike*) to mobilise the labour of her male matrilineal relatives to make her a hut without some form of payment. Most single women (*abashike*) that I spoke to indicated that they paid a fee or brew beer for men to build a hut. This is because people in the village are no longer willing to work for another person without payment.

A grownup boy (*umusankwa*) works with his father or adult male (*abakulu*) relative to construct his own hut. I must however not give the impression that all men and older boys are skilled traditional house builders. In most cases men have little skill to build a traditional house (*ing'anda-yafiti*) and depend on those who have the building skills to construct on their behalf for a payment. The main building materials for a traditional house (*inghanda-yafiti*) are forest trees (*ifiti*), thatch grass (*ichani*) and clay (*iloba-chakuchulu*). However as I stated earlier here I concentrate only on forest trees (*ifiti*) and grass (*ichani*).

For a couple with older children and relatives, a residential site usually has more than one house. Other small huts in which older boys and girls and other adult dependants of the head of household sleep usually surround the main house. Other essential functional structures that are commonly found at residential sites are a granary (*ubutala*), cooking shelter, granary (*ubutala*), men's shelter (*imbalasa*), pit latrine (*ichimbusu*), bathing shelter (*ulusasa*) food drying platform (*akatambo*) and chicken coop (*ichitele*). Not all households have most of these functional structures on their residential sites. Residential sites of newly married couples for example only have a hut, toilet and granary. In contrast, residential sites of wealthy cash crop farmers tend to have more structures on their residential site.

There are several other styles of houses at St. Joseph village communities built by skilled builders for wealthy households (*ababile*). The designs of most of these houses are in urban styles mostly rectangular, with burnt brick (*injelwa*) and asbestos, galvanised iron or thatch (*ichani*) roofing. Compared to the traditional house (*inghanda-yafiti*) these modern houses are bigger and have more rooms. A brick house (*inghanda-yanjelwa*) in St. Joseph is strongly associated with social economic success. Wealthy (*ababile*) farmers and owners

of small shops (*utuntamba*) usually own brick houses. Construction of a brick house (*inghanda-yanjelwa*) requires the skills of a bricklayer and building materials to be purchased from shops in town. The ordinary villager simply can not afford to pay a skilled bricklayer nor can he or she afford modern building materials. Thus, the traditional house (*inghanda-yafiti*) is more common than the brick house in the villages.

**Table 10.7: Traditional house construction activities and primary actors**

<b>Task</b>	<b>Primary actor(s)</b>
Search and cut and transport building poles ( <i>impopo/ insonta</i> )	Men and older boys
Cut bamboo ( <i>insengu</i> ) framework pieces ( <i>imango</i> )	Men and older boys
Cut ( <i>ukuseba</i> ) and transport thatch grass ( <i>ichani</i> )	Women and older girls
Set out and make foundation slab ( <i>ukututika</i> )	Men and older boys
Build house framework ( <i>ukubanga</i> )	Men and older boys
Thatching the roof ( <i>umutenge</i> )	Men and older boys
Wall construction with clay ( <i>ukumasa</i> )	Adults, older boys and girls
Floor completion ( <i>ukushingula</i> )	Women and older girls
Making the door ( <i>ichibi</i> )	Men and older boys

Source: Focus group discussion with house builders: Chibundi village, 7-05- 2002

The construction of a traditional house (*inghanda-yafiti*) is labour intensive. It is a process in which several people men; women, older boys and girls participate to provide labour or construction materials. Sometimes some people render their labour on a construction site of a neighbour or relative without payment. However, often a time those who are not members of the household, expect to earn some money or food from the person whose house is under construction or repair. Table 10.7 shows traditional house construction activities and primary actors as discussed in a focus group of traditional house builders. It is clear that men and older boys (*abasankwa*) are the main social actors. Most tasks for traditional house construction are gender specific. Consequently, particular tasks are associated with men, and termed men's tasks (*inkito yabaume*) and others with women, and termed as women's tasks (*inkito yabanakashi*).

In particular men and older boys are by custom expected to search, cut and transport forest building poles (*impopo/ insonta*), and bamboo (*insengu*) framework pieces (*imango*). In addition, they set out and make the foundation slab (*ukututika*), and house framework (*ukubanga*). Finally, the men and older boys thatch the roof (*umutenge*) and make the door. The women and older girls are the main social actors in cutting (*ukuseba*) and transporting

thatch grass (*ichani*) to the residential site and they specialise in floor completion (*ukushingula*). Both men and women however perform some tasks such as wall construction. As I walked around St. Joseph I would some times see a man with bundle of thatch grass (*ichani*) on his shoulders taking it to a residential site. On one occasion I asked my research assistant why a man was carrying thatch grass a task meant for women (*inkito yabanakashi*) he replied:

It's a shame because we have a few men here who do all sorts of foolish things! However, usually when you see a man carrying thatch grass (*ichani*) then in most cases it is meant for sale and not for his roof. Thatch grass for his roof should be cut and transported by a wife. (Ba-Musonda, Chibundi Village, 7-06-2002).

It is important to note here that when a task associated with women can generate cash, desperate men are some times known to put the notion aside that such a task is meant for women (*inkito yabanakashi*). Thus, at St. Joseph although the women are the primary collectors of thatch grass (*ichani*) men do some times take part especially when the grass is meant for sale. Outsiders especially from Kalulushi come to St. Joseph to purchase thatch grass from individuals in the village communities for the construction of urban style garden and cocktail bar shelters. Taking in consideration that most individual suppliers are women and have households to support one can only conclude that several households are supported partly by income generated in this way.

Because they provide the main framework, forest poles are one of the most important construction materials of a traditional house or hut (*inghanda-yafiti*). Several types of trees are suitable for different functions on the framework of a house. Table 10.8 shows various local trees and their functions on the framework of a traditional house (*inghanda-yafiti*) as discussed at a focus group meeting with local traditional house builders. When a traditional house is under construction, the owner if not skilled in house building hires a traditional house builder. The traditional house builder sets out and supervises assistants in the construction of the house from the foundation to the roof.

**Table 10.8: Forest trees and their functions as building poles**

Local name	Scientific name	Building function
<i>Musuku</i>	<i>Uapaca kirkiana</i>	Roofing poles ( <i>insonta</i> )
<i>Isase</i>	<i>Albizia antunesiana</i>	Roofing poles ( <i>insonta</i> )
<i>Mupundu</i>	<i>Parinari curatellifolia</i>	Wall support poles ( <i>ichishinga</i> )
<i>Mutondo</i>	<i>Julbernardia paniculata</i>	Wall support poles ( <i>ichishinga</i> )
<i>Musompa</i>	<i>Brachystegia manga</i>	Rope ( <i>ulushishi</i> )
<i>Musamba</i>	<i>Julbernardia globiflora</i>	Rope ( <i>ulushishi</i> )
<i>Mutobo</i>	<i>Isobertia angolensis</i>	Wall support poles ( <i>ichishinga</i> )
<i>Mubanga</i>	<i>Pericopsis angolensis</i>	Pillars and roofing poles ( <i>impopo / insona</i> )

Source: Focus group discussion with house builders: Chibundi village, 7-05- 2002

I must point out that not all house builders are skilled with thatching of the roof. Thus, in addition to an experienced builder some times an experienced craftsman is hired to thatch the roof. Thatch grass has a limited life span; thus, roofs are repaired every other year. Normally the most common thatch grass (*ichani*) is used because it is readily available at St. Joseph. However, wealthy individuals (*ababile*) are some times prepared to pay people to search for and cut the rare thatch grass (*ulweo*). The thatch grass *ulweo* is less coarse, compacts well and has a longer life span than the ordinary thatch grass (*ichani*) but of course is rare and it takes long to cut the required quantities. In the next section, I discuss the social differences that influence the use patterns of thatch grass and forest building poles as construction materials on a residential site.

*(i) Social differences*

For all individuals and households at St. Joseph thatch grass, and forest building poles are essential construction materials on a residential site. However, there are some social differences amongst individuals and households, which influence use patterns of thatch grass (*ichani*) and forest building poles (*ifilu and insona*). Differences in gender, wealth, and exposure to an urban life are some important axes of social differences, which influence the use of thatch grass and forest poles as construction materials.

Most poor households (*abapengele*) usually live in the main village settlements in traditional houses made from a combination of anthill clay, forest poles (*impopo / insona*) and thatch grass (*ichani*). Common villagers simply can not afford the building materials and brick laying skilled labour required to build the modern brick and iron roof houses. As I walked around St. Joseph village communities, I observed that there are more structures

built from forest trees and thatch grass than modern construction materials. For poor households (*abapengele*) forest building poles (*impopo / insonta*) and thatch grass (*ichani*) are vital house building materials. Even Christian church buildings located within villages are built with forest trees and thatch grass. I spoke to Ba-Musonda a senior church member of Christian Missions in Many Lands (CMML) about the church building materials:

This church structure is about five years. When we began congregating here in 1997 we needed a temporary shelter for our church meetings and decided to use forest trees (*impopo*) and thatch grass (*ichani*) to build one quickly. To day, we are still raising money for a modern building. We are a small congregation, most of our members are poor (*abapengele*) and there is not much money within the villages. So it will take long before we build a structure with bricks (*injelwa*) and iron roof (Ba-Musonda, Chamina Village, 11-04-2002).

I stated earlier that building a traditional house (*inghanda yafiti*) is a man's job (*inkito yabaume*). Thus, single women (*abashike*) are disadvantaged when they need a new hut or when the hut they are living in requires maintenance. They are to large extent dependent on the good will of the male relatives or they simply have to pay for the skilled labour of traditional house builders. Bana-Boyd a widow from Safeli Village explained:

Because building a house is a task for men (*inkito yabaume*), widows like me get very worried when a roof begins to leak or when the walls of the house begin to weaken. Even if a woman collects thatch grass (*ichani*) for her roof, still the labour of a man is required to cut and transport forest building poles (*impopo*) and to do the construction. It is fine if a widow has a caring brother, uncle (*mwisho*) or son (*mwana*). Because they will volunteer to take care of the problem before you talk to them about it. However, usually one has to pay other men with a sorghum beer party or cash. (Interview with Bana-Boyd, Safeli Village, 15-02-02).

Young people too have a tough time building their first traditional house (*inghanda yafiti*). For example, Kinda of Chamina Village is a young man who had just been married for one and half years when I met him at his father in-law's (*abako*) residential site June 2002. I asked why he was still living at his father in-law's residential site. He answered:

I'm not from here at all! I have my own small house in my mother's village at Chibundi just across the Chibanga stream. I have come here to be with my wife at her mother's village because we have just been married. Now, my wife and I are living in my brother in-law's hut. The past months I have been cutting forest tree poles in preparation for building our own house. Because my wife is pregnant and can not cut grass for the roof, my mother and sisters-in-law have been good enough to cut the thatch grass for us. Now that we have the construction materials, I have been doing piecework on farms to raise money to pay a skilled traditional house builder to build my house. It will take long because my payments from piecework are small. I feel ashamed to ask my in-laws (*abapongoshi*) to assist me again because they have already done enough. A man must build his own house! (Interview with Kinda, Chamina Village, 17-06-2002)

At St. Joseph houses made of bricks (*injelwa*) having asbestos or galvanised iron roofs are associated with wealthy individuals or households (*ababile*). Most wealthy households live on demarcated farms away from the main village settlements where they have build modern brick houses. One needs large amounts of cash to buy cement, stone and sand to make bricks. Cash is also required to buy iron roofing-sheets from shops in town. Only wealthy villagers (*ababile*) can spare such cash to buy modern building materials for house construction. These are mostly individuals or households who have spent a part of their lives working in the urban areas and have come back to settle at St. Joseph after retirement or loss of employment. I talked to Ba-Sungami a retired miner from Kalulushi town and now a wealthy farmer (*ababile*) settled at St. Joseph about forest trees and thatch grass as construction materials on his residential site. Some of his comments were instructive:

Life here at Chamina Village is very different from town life. People here prefer to sit in a traditional shelter (*imbalasa*) than a sitting room in a house! I also like it now because you have a lot of air and you see and talk to people passing by while seated in a shelter (*imbalasa*). You see that despite having a modern brick house I have also had to build a traditional shelter (*imbalasa*) for men and a cooking shelter for my wife from forest tress (*ifiti*) and thatch grass (*ichani*). My wife like other women in the village likes to sit and talk with other women and cook from the traditional shelter. The rooms in the modern house are now just bedrooms or storerooms. My grown up son and daughter have also left the main house to live in their own separate traditional huts (*inghanda-yafiti*). There is no piped water in this village, so I have had to build a

pit latrine from forest trees (*ifiti*) and thatch grass (*ichani*). The pit latrines here are temporary because when they are full we dig another one at another location. Therefore, it is cheaper to build these structures with forest trees (*ifiti*) and thatch grass (*ichani*) than modern building materials. (Interview with Ba-Sungami, Chamina Village, 7-04-2002)

From the above comment of Ba-Sungami it is clear that the use of forest trees and thatch grass is a part of a way of life at St. Joseph. Even wealthy households who have spent some time living in modern houses in urban areas appreciate customary architectural designs and the practical value of forest trees (*ifiti*) and thatch grass (*ichani*) as construction materials. Indeed evidence shows that thatch grass (*ichani*) and forest poles (*impopo*) are essential building materials of the traditional house (*inghanda yafiti*). There is no doubt that thatch grass and forest trees are very important building materials to both old and young men and women, rich and poor. However, people within the village communities are differently located with regard to collection and use of thatch grass and forest tree poles as building materials especially along lines of gender, wealth and age. In the next section, I specifically focus the discussion on the monetary importance of thatch grass (*ichani*) and forest tree poles (*impopo*) using case studies of households differentiated according to wealth categories.

*(ii) Household direct-use values from thatch grass and forest building poles*

In this section, I estimate the monetary value obtained by case study households by using thatch grass and forest tree poles to construct a house on their residential sites or through local sales of thatch grass and forest poles. As I discuss the direct use values in money terms it is important to state that it is not always that thatch grass is collected in return for money or food. Sometimes sympathetic neighbours, friends (*ababyesu*) or relatives (*abalongo*) do offer to collect thatch grass or forest building poles merely to assist (*ukwafwilisha*)<sup>29</sup>. When this is done a ‘favour’ is owed and one is expected to reciprocate in future with another form of contribution to a neighbour, friend or relative. However this form of reciprocity is rare and transactions in money form have taken root at St. Joseph. It is abundantly clear that labour has been commercialised and is not easily offered on customary or reciprocity basis. An old man (*abakulu*) Ba-Daimandi of Chibundi recalls

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<sup>29</sup> Similar local institutions based on reciprocity or mutual aid to transport thatch grass have been observed by Kepe (1997:45) amongst rural people on the coast of eastern Pondoland in South Africa.

the good days in the past when neighbourly labour was offered without money being the focus:

All work including house building was much simpler in the past than it is today. People then helped others without expectation of payment with cash, as is the case today. When a neighbour was building a new hut (*inganda yafiti*) some men in the neighbourhood helped with cutting of forest tree poles (*impopo*). The women collected thatch grass (*ichani*) together in support of their friend. In this way, a house was built very quickly. Yes, reward was given in form of a meal or beer but this was simply to acknowledge the assistance of others. Today people work for you because they are sure that you will pay handsomely (*ukubapa-ifyabune*). Otherwise they will not offer their help especially when they know that you are poor (*abapengele*) and have no money or good food to pay them. (Interview with Ba-Daimandi, Chibundi Village, 12-05-2003).

Thatch grass is sold in a bundle (*umupo*). The bundles are not of any standard measure in length or diameter. My measurement of the bundles ranged 275 mm to 325 mm, diameter and 1.3 m to 1.65 m in length. The vendors of grass who are mostly women charge different prices per bundle (*umupo*) of grass and often payment is not by cash but in kind especially food. Women vendors of thatch grass look out for those who would like to repair their roofs or starting to build a new hut or house. Taking part in supplying of thatch grass on a residential site some times depends on invitation by the owner of the residential site and some times the vendor offers her labour and negotiates for the price per bundle. Often people invite only friends (*ababyesu*), neighbours and relatives (*abalongo*) to supply thatch grass. My informants told me that at village level most transactions for thatch grass are in kind. However, outsiders especially from Kalulushi town who come to the village communities to buy thatch grass are charged in cash. In towns thatch grass is often used to make the popular garden shelters (*imbalasa / insaka*) and open bar shelters.

Forest tree poles are sold as single poles (*impopo*). Here again the poles are not of any standard measurements in length or diameter. My measurement of poles already harvested ranged from about 2m to 3m in length and about 100 mm to 200 mm in diameter. The vendors of grass are men and they charge different prices per pole (*impopo*). Unlike women, they prefer cash or payment in sorghum beer. Just like women the men are on the



look out for those who would like to repair their roofs or starting to build a new hut (*inghanda yafiti*) or house. They largely depend on social networks to be hired or invited to supply forest tree poles. As I said before the practice is for one building to invite only friends (*ababyesu*), neighbours and relatives (*abalongo*) to supply the forest poles (*impopo*).

In order to arrive at the average unit price for thatch grass and forest tree poles, I interviewed women and men vendors. I had to translate payments in food for equivalent cash. According to my estimates, the average price for the bundle (*umupo*) of grass is K2500 and that of a single forest tree pole is K2000. I have used these values as unit prices in estimating household direct use values from thatch grass (*ichani*) and forest tree poles (*impopo*). I have estimated the direct use values in monetary form by multiplying the number of forest tree poles or number of bundles of thatch grass used or traded by a case study household by the average local unit price.

At a focus group discussion with traditional house builders estimations were made with regard to building construction materials required to build an average size traditional house (*inghanda yafiti*). Different figures were floated and debated by the builders. Exact figures could not be agreed upon however for thatch grass, the range is 170 to 190 bundles and for forest, building poles the range is 145 to 180 poles per hut. The fees for a traditional house builder ranged from K55 to K 100, 000 and that of a roof craftsman from K 60, 000 to K90, 000.

In January 2002 husbands and wives or heads of households were interviewed about the number of thatch grass bundles and number of poles used on the residential site or sold during the year 2001. The men and women interviewed were from case study households. The direct use values presented here are gross values because I have not discounted any costs. Thus, as I have stated for other natural products the net direct use values would definitely be lower than the values presented. Another important point is that the direct use values are not exact. They are meant only to be indicative of differences in monetary terms of sales and use of thatch grass (*ichani*) and forest tree poles amongst people of different wealth categories.

**Table 10.9: Household direct-use values from thatch grass and forest tree poles**

	<b>Case 1: Ba-Boyd</b>	<b>Case 2: Bana-Chipupu</b>	<b>Case 3: Ba-Musonda</b>	<b>Case 4: Bashi- Ephraim</b>
<b>Wealth ranking</b>	Poor ( <i>abapengele</i> )	Poor ( <i>abapengele</i> )	Well-off ( <i>Abaliko fyenka</i> )	Wealthy ( <i>Ababile</i> )
<b>Thatch grass (<i>ichani</i>)</b>				
<b>Bundles used / comment</b>	48/ repairs	36/ repairs	180/ new house	172/ repairs
<b>Direct- use value</b>	K120, 000	K90, 000	K450, 000	K430, 000
<b>Bundles sold</b>	124	91	248	0
<b>Direct- use value</b>	K 310, 000	K227, 500	K620, 000	0
<b>Sub-Total</b>	<b>K430, 000</b>	<b>K317,500</b>	<b>K1,070,000</b>	<b>K430, 000</b>
<b>Forest building poles (<i>Ifilu or Insonta</i>)</b>				
<b>Poles used</b>	0	0	148	18
<b>Direct- use value</b>	0	0	K96, 000	K36, 000
<b>Poles sold</b>	83	0	0	0
<b>Direct- use value</b>	K166, 000	0	0	0
<b>Sub-Total</b>	<b>K166,000</b>	<b>0</b>	<b>K96,000</b>	<b>K36, 000</b>
<b>Total</b>	<b>K 596, 000</b>	<b>K317, 5000</b>	<b>K1,166,000</b>	<b>K 466, 000</b>

Average price per bundle of thatch grass is K2500. Average price for a pole is K2000.

Source: Data recorded by the researcher through interviews (January 2002).

Table 10.9 shows household direct-use values from thatch grass (*ichani*) and forest tree poles (*impopo*) of four households differentiated according to wealth categories. From Table 10.9 it is clear, that all the four case study households from three wealth categories, poor (*abapengele*), well-off (*abaliko-fyenka*) and wealthy (*ababile*) benefited from use or sale of thatch grass and forest poles. Three households (cases 1, 2 and 4) undertook repairs on their houses and one (case 3) constructed a new hut. All households used thatch grass on their residential sites with direct use values ranging from K90, 000 to K450, 000. Three households (cases 1, 2 and 3) sold bundles of thatch grass. The household of Ba-Musonda (case 3) sold more bundles of thatch grass because he had an order to supply to an outsider who was repairing traditional shelters on his bar premises. For the same reason, he has the highest direct use value (K1, 166, 000) from thatch grass and forest building poles. It is however important to note that Ba-Musonda sub-contracted thatch collection to women in the village whom he paid off with maize flour (*ubunga*).

Some poorer households for example that of Ba-Boyd maximise their earnings from thatch grass and forest poles by harvesting for use on their residential site and for sale. In the case of the household of Bana-Chipupu (case 2) who is a young widow with only two young children she only deals in thatch grass because she has no husband to harvest forest poles. Her household has the least total direct use value (K317, 5000) from thatch grass and forest building poles largely because she collects fewer bundles of grass by herself and she has no earnings from forest poles. The wealthy household of Bashi-Ephraim (case 4) does not harvest thatch grass or forest building poles; instead he like most wealthy households buys these resources from the poorer households.

In sum, evidence shows that both poor households and wealthier households appreciate the practical value of thatch grass (*ichani*) and forest tree poles (*impopo*) as construction materials on a residential site. The poor in particular harvest these resources for sale and use on their residential site. Interest in these resources is not only limited to local people but to outsiders as well especially in the case of thatch grass. At village level, various people derive different forms of income from the construction process in which they offer labour and skills in handling thatch grass and forest poles. In the next section, my discussion focuses on resource tenure practices and institutions with regard to thatch grass and forest tree poles.

### **10.5.2 Resource tenure of thatch grass and forest trees for building poles**

As I start this discussion on tenure of thatch grass (*ichani*) and forest tree poles (*impopo*) I would like to state that strictly speaking by custom individuals are not supposed to claim individual ownership of any natural products. The chief (*imfumu*), chief's advisers (*bafilolo*) and headmen (*bakulu-bamushi*) are the custodians of the tribal land and natural resources on it. The people look up to their traditional leaders for stewardship (*ukusunga*) of land and natural resources. Individuals in general acquire land from headmen (*bakulu-bamushi*) or village elders (*ba-filolo*) for cropping purposes (*ifitemi / amabala / amagaladeni*) and residential sites. In sum, the general attitude of the village people is that they all as communities have a right to land and natural resources because it is God given. Given this understanding of customary land and natural resources ownership members of the village communities at St. Joseph are free to harvest natural resources including thatch grass (*ichani*) and forest tree poles (*impopo*) from their village territories.

The above customary tenure of land and natural resources must be understood with some qualifications. For instance, it is important to understand that rights to crop fields are individual. Consequently, in practice no individual is allowed to enter another individual's crop field, which has standing crop to harvest any natural resource without his or her permission. In the case of fallow land people still, have to ask for permission (*ukulomba*) before harvesting of thatch grass (*ichani*) or cutting a tree. This is because owners of fallow land argue that the whole point of allowing land to lie in fallow is to allow grass, shrubs and trees to take root. Bana-Boyd of Safeli village points out:

Here in St. Joseph the soils are bad and there are very few trees (*ifiti*) for cut and burn system of farming (*ifiteme*). Therefore, we depend on grass manure of mounds (*imilala*) farming system. If at cultivation time you do not have grass (*ichani*) on your crop field, then you allow it to lie in fallow to give chance to grass and shrubs to grow. While the field is in fallow, you should make sure that no one disturbs the growth of grass and shrub. Otherwise, you will wait for many years before using the field again. For this reason, I do not allow others to harvest thatch grass (*ichani*) from my fallow fields. I would rather the grass goes up in flames because then ash (*imito*) is deposited on my field to improve its fertility. Even when I want to collect thatch grass (*ichani*), I do so somewhere else on abandoned land. I only harvest on my fallow crop fields only when there is no where else to harvest and I'm desperate (Interview with Bana-Boyd, Safeli Village, 15-02-02).

We see here that that women claim ownership of grass on fallow-land on the basis that the grass is an input of the cultivation system. Grass therefore is protected for both thatch and manure purposes in fallow land. For this reason, some households do not allow other people to harvest grass from their fallow field crops. However, the owner of the crop field in fallow can harvest thatch grass form the field as he or she wishes based on the understanding that rights in crop fields are individual. Thus, in practice ownership of thatch grass on fallow cropland depends on the ownership of the crop field on which thatch grass happens to be growing. Consequently, access to thatch grass growing on a fallow field is controlled by the owner of a crop field.

I must also point out that social networks especially neighbours (*abapalamene*), friends (*ababyesu*) and relatives (*abalongo*) are important with regard to access to thatch grass on fallow crop fields. Usually co-operation exists amongst these social networks concerning

access to thatch grass on each other's fallow crop fields. However it is always regarded respectful (*umuchinshi*) for one to ask for permission (*ukulomba*) before harvesting thatch grass on a friend, neighbour's or relative's fallow land. As for uncultivated land or village commons (*mumpanga*) or abandoned crop fields any member of a village community can select a patch of suitable thatch grass (*ichani*) and harvest it. This is especially true with regard to particular types of thatch grass for example the fine thatch grass (*ulweo*) which grows primarily on wet land commons (*ilungu*).

I have noted in Chapter 9 that there is a scarcity of trees suitable for cut and burn (*ifiteme*) farming system in St. Joseph. For the same reason there is competition for forestland (*iyamba*) because of its potential for charcoal burning (*ukocha- amalasha*) and as a source of poles for construction on residential sites. Most suitable trees used as construction poles (*impopo*) such as *Uapaca kirkiana* (*Musuku*), *Albizia antunesiana* (*Isase*), *Parinari curatellifolia* (*Mupundu*), or *Pericopsis angolensis* (*Mubanga*) are now only found in reasonable numbers in forestlands (*Iyamba*). As I said earlier forestlands at St. Joseph are scarce and are found in distant places between Chibundi village and Mukotami village. Thus, men have to go out to the forestlands to search for suitable trees for construction poles, and cut them.

As I pointed out earlier, all villagers are free to collect or harvest natural resources on the village commons. However, it is important to observe that not all forestland (*iyamba*) is common property. There are parcels of land within the forest areas (*iyamba*) of St. Joseph, which are owned by wealth (*ababile*) cash crop farmers. Most of this land has remained in its natural state with several trees (*ifiti*) suitable for construction purposes standing undisturbed. As noted earlier cash crop farmers usually have farm permit documents issued by the chief and the local authorities. Usually the problem of trespass and encroachment on these farms by common villagers seeking to cut forest tree poles arises. This is because there is no clear pattern or boundaries in the lay out of the private farms in relation to the village commons. A traditional house builder Ba-Tameli of Chibundi village comments:

The situation in the forestlands (*iyamba*) is now complicated and difficult to work in. when I go to cut forest tree poles (*impopo*) from there, I'm cautious. Because it is difficult to tell if you are on the commons (*mumpanga*) or on someone's farm, I simply go to the nearest farm and ask permission to cut the poles (*impopo*). I do this

just to avoid problems of encroachment. Am I troubled? Yes of course I'm troubled because it was better in the past when I did not have to worry much about whose land I'm standing on or cutting trees (*ifiti*). The situation is complicated with our headmen giving away large tracts of land to outsiders (*abensu*). You see now we have to get permission (*ukulomba*) from outsiders to get what used to belong to us! (Interview with Ba-Tameli, Chibundi Village, 7-04-2002).

The men at a focus group discussion of traditional house builders indicated to that most farmers with farm permits are friendly and often allow them to cut forest tree poles (*impopo*). However, there are some farmers, who simply refuse to give permission for trees (*ifiti*) to be cut on their farm. Refusal to cut forest trees is what invokes the issue of natural resource appropriation by wealthy farmers. The men were anonymous on the point that the present tenure arrangements at St. Joseph were in favour of wealthy farmers. The wealthy farmers (*ababile*) are now controlling some important tracts of forestland, which are endowed with livelihood natural resources for common villagers. Again, traditional leaders are blamed for giving away land without the consent of all villagers. It was revealed that when land was being allocated to a common man it was done publicly, while this was not the case when land was allocated for a farm to rich (*ababile*) outsiders (*abensu*). Consequently the loss of common property rights to natural resources, which are important in the livelihoods of common villagers, continues.

## **10.6 Summary**

In this chapter, I have discussed fieldwork data to understand property in natural resources and the role and contribution of natural resources in the livelihoods of individuals and households at St. Joseph. There is no doubt that gathering activities on the village commons and *de facto*, private lands are an important source of employment and income in kind or cash to the village communities and thus a vital livelihood strategy complementing agriculture. However, natural resource products are not of equal importance to all individuals and households in the village communities. There are social differences that influence use patterns important of which are differences in gender and wealth. These differences are also reflected by magnitudes of direct use values from respective case study natural resources for households from different socio-economic strata.

From land tenure perspective, in theory customary tenure is supposed to be equitable. However, in practice the villagers at St. Joseph are questioning the integrity of their traditional leaders in handling issues of land allocation and protection of their common property rights. Most poor people feel that their livelihood strategy of access to natural resources on the commons has been compromised. It is abundantly clear that land based livelihoods are constrained by the current land tenure arrangements. This is especially with regard to the provision in the land law for conversion of tenure. The law does not seem to provide for practical safeguards to protect the common property rights of villagers. For common villagers the absence of clear rules and regulations to support the conversion of tenure process has brought about a real threat to their customary rights to natural resources.

The local and external elite realises the commercial value of both land and natural resources on it. They use their economic power and influence with traditional leaders to gain title to land even at the expense of local livelihoods on which the poor are dependant. To the disappointment of villagers a few wealthy farmers who are usually outsiders have appropriated large tracts of village land and natural resources, which are essential to the livelihoods of the village households. Conversion of tenure, which is a deliberate policy of government to provide greater security of tenure to farmers occupying customary land, has instead brought about land and natural resource tenure insecurity especially to poor households. It is suggested that a pro-poor livelihood tenure reform is required if pro-poor development is to be secured.

## **CHAPTER 11: SUMMARY AND SYNTHESIS OF FINDINGS**

### **11.1 Introduction**

In Chapters 5 and 6 I have introduced the case study sites Kamena and St. Joseph paying particular attention to social structure, location, climate and physical features, demographics, and infrastructure and livelihood activities of households. I have done this in order to describe and analyse community assets and the vulnerability context in which the village communities in the two study sites exist. This has served as a starting point for understanding the role of land tenure in land-based rural livelihoods. In Chapters 7 and 9 I have analysed the role of land tenure in rural livelihoods, specifically tenure of crop fields in Kamena and St. Joseph respectively. I have explored links between the land tenure system and land as a resource upon which households in the village communities of Kamena and St. Joseph depend for cropping as a key livelihood activity. The focus has been on how arable land is accessed, acquired, used, and contested by individuals and households. I have argued that social difference or inequalities based on gender, wealth and descent have an influence on an individual's access to land. These differences influence the power and authority of individuals in households and villages with regard to access and control over crop fields.

In Chapters 8 and 10 I have explored and analysed livelihoods and natural resource use and resource tenure in Kamena and St. Joseph respectively. The analysis has been focused on the livelihood context of case study natural resources (wild vegetables and mushrooms, caterpillars, thatch grass and forest building poles and charcoal), social differences, direct use values and resource use rights of individuals and households in the village communities. In particular the study has illustrated how land tenure and social relations affect access and control by individuals and households in the village communities over natural resources. In this chapter I now summarise and synthesise the findings from the two study sites. The focus of my discussion is on emerging key themes from the study findings in Kamena and St. Joseph with reference to comparable cases in Zambia and elsewhere in Southern Africa as well as to broader debates in literature related to land tenure and rural livelihoods.



## 11.2 Diversity of livelihoods and vulnerability context

As I stated in Chapter 1, this study is about land tenure and rural livelihoods in the customary lands of Zambia. It has explored land issues central to the livelihoods of people living in two village communities of Kamena and St. Joseph. The sustainable livelihood approach (section 3.8.2, Chapter 3) stresses that the opportunities open to individuals and households are determined to a large extent by their asset status. This is in relation to land, physical assets, health, education, social networks, and financial capital (Ellis 2000). In Kamena and St. Joseph most households are generally poor and have relatively few moveable assets (see Table 5.8, Chapter 5 and Table 6.8 Chapter 6). Individuals and households strategize around several, combined livelihood activities including land-based and non-land-based activities (Table 5.5, Chapter 5 and Table 6.5 Chapter 6). This diversity in portfolio of economic activities and income sources constituting household livelihoods is characteristic of many rural areas in the developing world in particular sub-Saharan Africa (Ellis 2000: 14-16).<sup>30</sup> Other observers have also documented the complexity and diversity of rural livelihoods in the Southern African region (e.g. Scoones *et al* 1996; Kepe 1997; 2002; McAllister 1998; Shackleton *et al* 2000).

In the case of Kamena and St. Joseph although households do not derive their income and livelihood exclusively from agriculture, it is however the predominant land-based livelihood strategy. This is confirmed by the few non-agrarian employment opportunities in the two study sites (see Table 5.5 Chapter 5 and Table 6.5 Chapter 6). In other studies undertaken in rural Zambia agriculture (especially cropping and livestock farming) is singled out as the primary source of livelihood for the majority of the rural population (e.g. Vedeld and Øygard 1983; Kalinda *et al* 1998; 2000; World Conservation Union 1998; Khanya 2000; Republic of Zambia 2002).

To complement subsistence income from traditional shifting or semi-permanent cultivation, poor households in Kamena and St. Joseph are also engaged in gathering and processing natural resources from the village commons, fallow fields and large private farms. The differences in use of natural resources as observed around various axes of social differences (Chapter 5 and Chapter 6) including gender, age, age, social status, and

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<sup>30</sup> Ellis has outlined the 'average' livelihood portfolio for a rural household in sub-Saharan Africa as follows: Gathering 8%, Crop output 25%, Livestock 15%, Farm wage 19%, Non-farm wage 12%, Non-farm employment 15%, Remittances 15% (Ellis 2000: 16).

residence confirms the need to recognise the different livelihood interests in natural resources of sub-groups that constitute the village community. In these circumstances where land-based livelihoods are of primary importance to households, secure access to arable land and natural resources becomes very important. Within Southern African various, studies have shown that a variety of wild resources are harvested or collected from village commons and processed for household consumption or sale (Cousins 1993; Shackleton *et al* 1998; Shackleton *et al* 2000; Zimba 2000; Kepe 2002). Some studies have also stressed the relatively high direct use values of resources from the commons and their valuable contribution in minimising poverty amongst rural households, a contribution which policy makers until recently have often ignored (Shackleton *et al* 2000; Kepe 2002; Andrew *et al* 2003; 2003a).

Admittedly land-based livelihoods in particular cropping, livestock and natural resources do provide an important contribution to rural households in Kamena and St. Joseph. However in most cases household livelihoods are subsistence in nature or ‘survivalist’ and are characterised by uncertainty. As indicated in wealth and well being ranking (Tables 5.3 Chapter 5 and Table 6.3 Chapter 6) the majority of people in Kamena and St. Joseph are classified either as well-off (*abalikofyenka/ abalikobwino*), poor (*abapengele/ abalanda*) or very poor (*ababusu*). Households have different amounts, and combinations of economic, social and cultural assets resulting in various livelihood outcomes with some households doing reasonably well and others not. Most households are vulnerable to natural and socio-economic shocks such as disease especially HIV/AIDS related, poor soils, poor cash crop prices, resource limitations (labour, tools, finances), agricultural input and output market problems, land and natural resource enclosures, and natural resource degradation on the village commons. Other livelihood limitations include poor road infrastructure, distant health and education facilities. There is a clear need for transforming structures at village community level (Scoones 1998; DFID 1999; Ellis 2000) to minimise the livelihood constraints on people’s livelihoods.

### **11.3 Access to and transactions in land**

#### **11.3.1 Direct acquisition and allocation of land**

In Kamena and St. Joseph it is only accepted residents that have the customary right to acquire land. Therefore entitlement to land vests in individuals by virtue of legitimate

residence in a particular village. Most households in the study sites, that is 82.9% in Kamena and 75 % St. Joseph occupy and use land under customary tenure based mostly on matrilineal kinship relations. Within village territories arable land especially at the more remote and less populated site of Kamena is in relative abundance and by custom, local villagers have a general right to cultivate vacant land. In Kamena 52.4% of crop fields are acquired through direct clearing of uncultivated land by way of cut and burn shifting cultivation (*chitemene*) (see Table 7.1, Chapter 7). In land abundant Luapula Province of Zambia land is also initially obtained by clearing (Kaunda 1993).

The situation is different in St. Joseph which is more populated and in close proximity to town markets and has formal establishments like schools, a health centre and a Catholic Mission which are an attraction to people looking for land to settle. In St. Joseph 60% of the crop fields are acquired through the chief or headman. This is the most prevalent way of land acquisition (see Table 9.1, Chapter 9). In a study of the Kunda of eastern Province of Zambia where land is relatively scarce Ng'andwe observed that to avoid clashes over arable land allocation by traditional authorities was the common way of acquiring crop fields (Ng'andwe 1976: 53). In Zambia in general allocation or showing of vacant land by traditional authorities (chiefs or headmen) is also the most common way of land acquisition in village communities (Republic of Zambia 1967: 44). In Africa the system where every member of a village community has a right to open up and cultivate as much land as he or she wants has continued today only in sparsely settled areas where land is abundant. Otherwise in more densely populated areas direct acquisition of uncultivated land is not feasible (Udo 1982: 51).

It is noteworthy that in both Kamena and St. Joseph the methods of land acquisition (direct clearing of vacant land and allocation by chief or headman), that are cost free reflect the relative abundance of land in the two areas. These cost free methods of acquiring land also reflect the social security characteristic of customary tenure, which guarantees even the poor (*abalanda / abapengele*) and newcomers access to land for cropping and building sites. The system has a strong moral hinge meant to cater for the land needs of the weak and newcomers in the community.

Upon clearing of vacant land or allocation by chief or headman, a holder of land is assured of customary rights of exclusive occupation for a building site or cultivation of a crop field

until he or she abandons the land or gives it away. In addition, the fact that access to land is based on kinship relations is an advantage especially to resource poor villagers (*abalanda / abapengele*), because it binds them to relatives from whom they enjoy reciprocity in many facets of their livelihoods. It is also important to note that chiefs and headmen at no cost or little cost and without the bureaucratic interference, tax charges or delays of central government administer customary land allocations locally. Nevertheless customary vestment of land allocation powers in individual traditional leaders is a weakness, which is often abused for personal gain. Some chiefs and headmen accept cash payments under the veil of 'traditional gifts' for land allocation especially from wealthy outsiders or newcomers (sections 7.3.6 Chapter 7, section 9.4.4 Chapter 9).

### **11.3.2 Gifts and loans of land**

Land rights acquired through direct clearing of vacant land or by allocation by a chief or headman are transferable to another member of the same village community by the owner as a gift (section 7.3.5, Chapter 7 and 9.3.5, Chapter 9). However, people within a village community are not allowed to make gifts of land to outsiders. Here we see the kinship defensive nature of customary land tenure. Thus gifts of land usually take place between relatives and friends living in the same village out of good will. This form of access to arable land is also commonly found in other parts of rural Zambia (Republic of Zambia 1967: 53; Kaunda 1993: 175). The land use rights of the recipient are respected even after the death of one who gave away the land. Thus a man can give land to a newly married son, son in-law or a widowed female relative or relatives that are too old to cultivate land. Land is also given as a gift to returnees after a long absence from the village. Some prosperous farmers make gifts of parts of their farms to their grown up children to avoid uncertain matrilineal rules of inheritance (section 7.3.6, Chapter 7).

Another reciprocal but temporary transfer of land is a loan of land. Loans of land in Kamena and St. Joseph are rare but do take place to meet the temporary needs of newcomers who urgently need cleared land for cropping. Again land loans are usually between relatives and friends and payment is simply goodwill and reciprocity and not in money form. In sum, customary gifts and loans of land promote kinship cohesion, emphasise corporate responsibility and mutual aid. They are a form of social security especially when land is given to children, widows, returning migrants or old people and

are a positive characteristic of customary tenure because they provide access to land to those who may normally have difficulties in accessing land.

### **11.3.3 Sale of land**

In Kamena and St. Joseph it is generally held that bare land is a gift from God and belongs to the village community corporately as a means of livelihood. An allocation of land gives an individual or household the right to use the land, not to sell it. This belief is also common in other tribes of Zambia (Ng'andwe 1976: 54; Kaunda 1993: 186; Mvunga 1982:37-41). Nevertheless the exchange of commodities through payments of money is nowadays common especially in St. Joseph. Thus, although controversial, 4.5% and 11.5% of crop fields have been transacted by sale in Kamena and St. Joseph respectively. It is clear that the system of land tenure in the two study sites is being influenced by the money economy. Village headmen who have more say over land issues than others are quick to facilitate for land sales. In other parts of Zambia sales of land have been known to take place (Republic of Zambia 1996:12) for example in North-western Province at Balovale, in Northern Province at Mbala, and in some parts of the Central Province (Republic of Zambia 1967: 51; Kaunda 1993: 173-174). However empirical evidence from Kamena and St. Joseph show that land sales do not conform to modern economic conceptions of land markets. The practice in Kamena and St. Joseph is that the sale of improvements on land is distinguished from the sale of bare land. Despite the fact that a buyer acquires rights over the improvements and the land, on which they stand, the price paid does not include the value of bare land (section 7.3.6 Chapter 7 and section 9.3.6 Chapter 9).

The idea that land is a fully negotiable commodity is still not acceptable in the two study sites. Even when the sale of land takes place, the transactions are between legitimate members of the village community. In sum, there is a village community internal market for improvements on land. This limiting of alienation of land to members of the village community is a customary defensive mechanism that protects corporate ownership of village land from outside land speculators and potential absentee landlords. Customary reluctance to accept land as a fully negotiable commodity also militates against excessive accumulation of property rights by a minority rich to the detriment of the livelihoods of the poor. It is important to note that opposition to sale of customary land is not only limited to Zambia. Among the people of Central and Southern Africa the idea of selling land has often been opposed especially by traditional authorities who think that they are under

obligation to allocate land to their subjects. The insistence on the right to make available land to every adult has persisted. For example the sale of land is still opposed by many Batswana and Basotho (Adams 2003: 11).

It is however noteworthy that the fact that improvements on land are sold on customary land in Zambia, illustrates the flexibility of customary tenure to adapt to prevailing social economic realities. For example the sale of improvements on land gives the opportunity for a household to convert their investment in land into cash to support their livelihood. However this is done without alienating the land from the village community. This is similar to findings of Transvaal Rural Action Committee in South Africa in a case study of the Bafurutse ba Braklaagte where once land is allocated to a family it can be sold within the community but not to outsiders. But doubt in this case is expressed whether the transaction is on cash basis (Transvaal Rural Action Committee 1992:6). It is however important to note that in sub-Saharan Africa there has been social and institutional changes in land relations and rights of individuals concerning commercialisation of land transactions. For example Berry (1975) has described forms of tenancy in the cocoa areas of West Africa. Other forms of renting and selling have also been documented (White 1963; Cohen 1980; Udo 1982; Peters 2002a).

#### **11.3.4 Inheritance of land**

Land inheritance in Kamena and St. Joseph is traditionally matrilineal (section 7.3.4, Chapter 7 and section 9.3.4, Chapter 9) and it is taboo for an individual to name an heir before death. Thus, upon death of a landowner, land reverts to matrilineal relatives and preference and choice of an heir is left to matrilineal elders who corporately select an heir. Traditionally land is supposed to pass from uncle to maternal nephew, maternal son or maternal grandson and a wife is not an heir of her husband. It is noteworthy that although the inheritance system is matrilineal there is no doubt that it is patriarchal because inheritance of land is controlled and maintained through matrilineal male relatives. The inheritance system emphasises inheritance of land by men and for this reason it is definitely biased against women (section 9.3.4, Chapter 9) and on this account the system is assailable.

It is important to note that shifting cultivation fields are rarely inherited because of their short life (section 7.3.4, Chapter 7). Thus, we see that only 6.6 % of fields in Kamena are

subject to inheritance where shifting cultivation is common compared to 16.4 % in St. Joseph where sedentary cultivation is more prevalent. Nowadays, because of cash cropping and commercialisation of labour it is mostly nuclear family labour that is used to develop a household farm. Labour from outside the household, even from the extended matrilineal family is often paid for (section 9.4.5, Chapter 9). Cash crop farming and wage labour processes have to an extent weakened matrilineal relationships and consequently, matrilineal rules of inheritance are under pressure to change in favour of the nuclear family.

However the gradual change from matrilineal inheritance to nuclear family inheritance is still not firmly established in customary land tenure practice. Usually inheritance of a well-developed holding or farm is an arena of contest between the nuclear and the extended matrilineal family. This is largely because matrilineal customary inheritance rules do not designate a particular heir and thus create uncertainty attended by considerable insecurity especially within households owning developed or improved farm holdings. In the past the heir inherited land and the widow. However, nowadays wife inheritance is in decline at both study-sites largely because of the fear of HIV/AIDS infection (7.3.4, Chapter 7 and 9.3.4, Chapter 9). Consequently some women especially those living in virilocal marriage have been known to lose land after death of a husband. Thus, in this respect customary matrilineal inheritance of land, which emphasises male inheritance, and which do not recognise a wife as an heir definitely disadvantages women and compromises their agrarian-based livelihoods.

## **11.4 The nature of land rights in customary tenure**

### **11.4.1 Nature of individual land rights**

Customary tenure is often misunderstood to mean that there are no individual rights in land and that individuals and households cultivate land as groups and do not have separable claims, and rights in land (Allot 1970). This school of thought seems to have been common among early observers (Gluckman 1945:1). Thus, it is assumed that ownership of land vests in a tribe or lineage as opposed to the individual (Kay 1964: 30; Platteau 1992:87-88). In support of this school of thought the famous statement by a Nigerian Chief is often quoted: 'I conceive that land belongs to a vast family of which many are dead, few are

living, and countless members are still unborn,' (Meek 1949 quoted by Parsons 1985: 53). However, concerning landholding in the customary lands of Zambia today it is misleading to refer to customary tenure as 'communal' implying that every individual has equal rights over land within a village territory or communal cultivation in the sense of collective production. It is clear that rights in arable land and residential sites in Kamena and St. Joseph are acquired and exercised by individuals who also have the right to exclude others. Even in Kamena where polygamous marriages (*impali*) are practised, wives of the same man do not hold land in common. As Parsons (1985:57) and Mifsud (1967: 45) point out, the basic ownership of land is the right of exclusive use. During the late 1950s White also concluded that '...the sum total of rights which make up the system of African land tenure in Northern Rhodesia<sup>31</sup> can only be regarded as equivalent to individual tenure' (White 1959: 7).

After independence in 1964 other researchers and observers have also validated this individual character of landholding in the customary lands of Zambia in respect of arable land (e.g. Republic of Zambia 1967: 46; Republic of Zambia 1982: 9; Kaunda 1993). The exception to this is the village commons where gathering of natural resources and grazing of small livestock is undertaken on communal basis. However, under customary tenure it is also important to note the limitation on exclusive landholding by individuals or households. Other members of the village community have recognised customary interests in individual crop fields. For instance communal grazing of livestock takes place on fallow individual crop fields and on other crop fields after the harvest. Therefore the meaning of individual ownership of land is that an individual has more rights on a particular parcel of land than others. Thus, based on field evidence customary rights in land in Kamena and St. Joseph can be described as a continuum, with individual rights in crop fields and residential sites and communal rights to natural resources on the village commons as the two extremes.<sup>32</sup> This seems to be the trend in some African countries, for example in respect to South Africa Lahiff has observed that:

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<sup>31</sup> Zambia was called Northern Rhodesia during the colonial period 1924 to 1964

<sup>32</sup> Godfrey Wilson's comment in respect of landholding is instructive: "Everywhere, whether in civilised or primitive society, the holding of land is 'communal' in the sense that the individual's rights are dependent upon his social relationships, upon his membership of some group with a definite cultural idiom and social organisation of its own; everywhere the holding of land is 'individual' in the sense that particular people have, at any one moment, definite rights to participate in the use and to share the produce of particular pieces



Communal land tenure in South Africa is a hybrid form, specific to the homelands, which combines elements of individual and collective property rights. The system is communal in the sense that an individual's entitlement to land flows from membership of a socio-political community (a village or tribal unit), rather than from private ownership, but, with some exceptions it does not imply collective forms of production (Bennett, 1995: 168) ...Every household within a communal area has, in principle, a right to a residential site, an arable plot for subsistence purposes and access to common property resources, such as grazing (Lahiff 2000: 165-166).

Elsewhere in Africa, studies have shown that individual farmers enjoy considerable autonomy over decisions in respect to the land that they cultivate and crops they produce. Despite the formal label 'customary land,' arable land is mostly used and managed by individuals and households (Parsons 1985; Bruce 1988a; Transvaal Rural Action Committee 1992; Peters 2002a). For example in a study in the highlands of southern Malawi Peters reports that most land is formally under customary tenure and crop fields are passed on within matrilineal families. Nevertheless, in many instances the same individuals hold crop fields for a lifetime, and forms of renting and selling have developed alongside the more pervasive customary pattern of lending of land (2002a: 50).

#### **11.4.2 Livelihood benefits of customary tenure**

The livelihood benefits of customary land tenure are evident in the secure access to land it offers to all members of the village community. Even for ordinary or poor individuals or households relying largely on local resources for their livelihood, customary tenure provides a secure building site to live, with access to arable land to grow their own food and natural resources on the village commons to draw from. The liberal customary land acquisition methods also provide social security even for returning migrant workers and newcomers or outsiders who find town life expensive and decide to start an agrarian livelihood in a village community (section 7.3 Chapter 7, section 9.3 Chapter 9). In this regard Parsons has observed that traditionally a share in village land is regarded as a birth right by relatives of the landholding family irrespective of where they reside. This for many Africans is the only form of social security system except for those in 'pensionable' jobs (Parsons 1985: 53).

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of ground" (Wilson 1938: 29).

A household, which acquires land through traditional methods, is assured of customary rights of exclusive occupation for a building site or cultivation of a crop field and access to common property resources within the village territory. Rights to a building site or crop field are permanent and inheritable and title to such land is a matter of fact that can be proven by oral evidence. The exception is when an individual transfers land rights to another person, abandons the land, dies or is expelled from the village community for practising witchcraft. In sum the social and economic life of the village community largely revolves around land and the key strength of customary tenure systems lies in their ability to provide social and livelihood security to members of the village community. In the next section I focus my discussion on intra-household relationships in terms of gender domains and rights over land.

### **11.5 Gender relations: Land rights within households**

Households in Kamena and St. Joseph are the smallest social and economic units in which a husband, wife, children and dependants share meals and live on the same building site and work their land. Wife and husband are under obligation to provide food and accommodation to their children and dependants from the extended family living within their household. Traditionally, a wife, children and dependants are also obliged to work for the head of household. Thus households are both production and consumption units. At St. Joseph households are by tradition based on monogamous marriage. In contrast households at Kamena are based on polygamous or monogamous marriage. However in both the two study sites some households are female headed. As I stated in section 3.7, Chapter 2 Lastarria-Cornhiel has observed that gender is one of the most important determinants of social relations in households and rural communities and is also the basic determinants of how work and responsibilities are assigned among rural people (1997: 5).

Field evidence has clearly shown that households in the two study sites strategize on combined livelihood activities. However, agriculture in particular crop production is the primary livelihood activity for almost all the households. From a gender perspective it is important to note that the roles of husbands and wives in agriculture are complementary and gender specific. There is a clear sexual division of labour by task in agricultural work and in the household, particular gender domains can be distinguished. As in most sub-Saharan African countries marriage is an important site for women's claims and access to land (Whitehead and Tsikata 2003). Traditionally, one of the most important roles of a

married man is to acquire arable land and establish land rights in it, clear and hoe crop fields for his household and if polygamous to assign specific fields to each wife to plant, weed and harvest with the assistance of children. In general managing subsistence crops is mainly the responsibility of women rather than men. Therefore as in most sub-Saharan Africa (Lastarria-Cornhiel 1997; Pottier 1999; Palmer 2004) women in Kamena and St. Joseph gain access to arable land largely through their husbands or relationship with their male relatives. Consequently women's access to land and security of tenure is dependent on maintaining good relationships with the men in control of land. This in turn reinforces women's dependence on men and diminishes their ability to make independent land-based livelihood choices (Ellis 2000).

In polygamous households however, there is no community of property between wives of the same man. To avoid quarrels, wives of the same man tend to live on a building site and to cultivate crop fields in their natal villages under the secure protection of the matrilineal relatives. This aspect of customary tenure is creditable in that it protects the land use rights and consequently livelihoods of women in polygamous marriages. On the other hand it is assailable on the account that a polygamous man ends up having fragmented or scattered land use rights in different villages which is not efficient for the development of a consolidated farm holding.<sup>33</sup>

It is common at the two study sites to distinguish subsistence farming (*ukulima*) from cash crop farming (*famu / ifamu* – a corruption of the English word farm). At both Kamena and St. Joseph male heads of households have considerable influence on cash crop farming activities which is mainly due to traditional patriarchy authority (*chibinda-wag'anda / umutwe-wag'anda*) and physical ability to clear and hoe land and to negotiate or purchase cash crop farming inputs. At St. Joseph, only a few women especially from wealthy households own green market vegetable gardens separate from subsistence crop fields. In the two study sites it is evident that both men and women are involved in constructing 'gender', by their actions or practices, assigning meanings and reproducing norms and values. Waterhouse and Vijfhuizen (2001) have rightly observed that in the process of constructing gender certain patterns are established which influence women and men in

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<sup>33</sup> It is however important to note Sjaastad's observation in respect to field scattering and risk: "There is a paradox here: scattering plots may alleviate risk by creating a more diverse portfolio of land and associated agroecological properties; but consolidating land may also alleviate risk through the increased wealth which

constructing their livelihoods. At Kamena for example, traditional male hegemony over women seems to be responsible for the general belief that cash crop farming is a man's domain (*inchito yabaume*) (Section 7.4.3 Chapter 7). Consequently *de facto* control over cash crop fields and income from the crop usually reside in the male head of household.

A wife's labour on a husband's cash crop field is simply taken as a traditional conjugal obligation to assist a husband on his farm activities. Thus, male heads of households tend to cultivate cash crops on their own account, using the labour of wives and dependants but claiming ownership of both crop and fields. This practice is assailable and inequitable in that despite her labour contribution, a wife is usually not considered a joint owner of her husband's cash crop field purely on the basis of traditional patriarchy. Sara Berry in West Africa also notes this unfair merging of a wife's labour on a husband's cash crop field with conjugal rights and responsibilities. Consequently wives are not usually paid for their labour on a husbands crop field (Berry 1988: 3).

Several studies in Africa have also shown that with commercial use of rural land, especially with new crops and forms of agriculture, usually lead to contestations between men and women (Davison 1988; Carney and Watts 1991; Moore and Vaughan 1994). These contestations have usually resulted in women's diminished access to land or loss of rights they once had (Lastarria-Cornhiel 1997; Whitehead and Tsikata 2003). For example on irrigation projects in Gambia and Ghana, women cultivators often lost their individual crop fields in the compulsory acquisition of land. The crop fields were later reallocated to male household heads thereby transforming the women into dependent household labour on male owned cash crop fields (Watts 1993; Botchway 1993).

In Chapters 5 and 6 I pointed out that both the Lamba and Bemba people of St. Joseph and Kamena respectively are traditionally matrilineal by descent. The mother is the basis of the social structure and children strongly identify themselves to her natal village and consequently social identity. Thus, traditionally marriage among the Lamba and Bemba is initially uxorilocal. Upon marriage a husband is expected to move to his wife's natal village to establish a building site and crop fields for his household. Married men can therefore expect to initially obtain land through their wives. However, traditionally a man

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higher production can be assumed to generate." (Sjaastad 1998 : 217)

has no exclusive rights of tenure over crop fields, which he cultivates in his wife's natal village. Such land use rights belong to his wife and children and his rights are temporary because he does not belong to the matrilineal core of the village and is thus considered a guest. This discrimination is purely based on descent.

Thus, for men land tenure in uxorilocal marriage is attended by insecurity of livelihood after death or divorce of a wife and can be criticised on this account. However, for women uxorilocal marriage strengthens their land rights and assures their security of tenure and continued livelihood from arable land in the event of divorce or widowhood. In a case study of the Ayao of Mozambique Waterhouse and Vijfhuizen have also observed that in cases of divorce or death after uxorilocal marriage women have considerable security of tenure. In a divorce case a man usually leaves to go back to his matrilineal village and crop fields remain in possession of his ex-wife (Waterhouse and Vijfhuizen 2001: 207-208).

In the two study sites the male land tenure insecurity associated with uxorilocal marriage usually motivates men to insist on virilocal marriage from the outset so that they can obtain land in their natal village. Although by custom, land use rights in crop fields and building sites are said to be jointly 'owned' by wife and husband by virtue of their labour contributions and conjugal obligations, the practice in Kamena and St. Joseph is that women may not 'own' land in their husband's village. Other researchers have also noted this practice for other African tribes (e.g. Gluckman 1945: 2; Mvunga 1982: 44-45). It is difficult for a woman living in her husband's maternal village to realise independent land tenure after a divorce or death of a husband. In the event of divorce or widowhood, a woman may be permitted to continue to use the land. However under customary law a woman does not inherit control of her late husband's crop fields. Usually most divorced or widowed women return to their natal villages, where they are able to gain access to residential sites and arable land through matrilineal male relatives. Women are also most disadvantaged because upon marriage the power to decide on village of residence resides in the husband. Consequently most women end up cultivating lands at the pleasure of the husband's matrilineal relatives and the duration of their rights in such land is uncertain. It is clear here that under customary land tenure systems in Kamena and St. Joseph, social difference along the axis of gender influences security of land tenure in favour of men.

Admittedly there are ethnic differences in bodies of customary land tenure practices in

Zambia. However in general the over-riding commonality is that women are treated as minors who are subordinate to men in many aspects of social life (Crehan 1983; 1997) and in particular in relation to land rights (Machina 2000; Zambia Land Alliance 2002). Other observers have recorded similar trends in respect to male domination of land rights within village communities in rural Zambia which are largely due to male dominated systems of social structures (e.g. Mvunga 1982; Kaunda 1993; Mushinfwa 2002). The male domination of land rights seems to be wide spread in African customary lands. Berry for instance points out that even in matrilineal descent systems that are uxori-local, women's rights to alienate land are circumscribed by those of their descent group (Berry 1993: 116). In a research conducted in the Mutale River Valley, in the former 'homeland' of Venda during 1995 and 1996 Lahiff found that gender inequalities in respect of land rights are evident. Concerning access to land the disposition of traditional leaders, state officials and male farmers was that women were entitled to small crop fields for subsistence purposes, but priority should be given to men heads of households. Further, a widow's inheritance of a late husband's land was uncertain because the common practice is to pass such land to a male relative (2000: 171).

This seems to confirm the point that in most parts of Africa customary systems are not egalitarian. Access to and control over land and natural resources on it are usually differentiated along lines of gender in favour of men (Simon 1993: v; Lastarria-Cornhiel 1997; Amanor 1999; Ellis 2000; Palmer 2004). It is also clear that there are divisions in the village communities based on social identity between the matrilineal core who consider themselves as the original landowners and newcomers, strangers or men who marry women from the matrilineal core of the village community. Ultimately the impermanent nature of land rights in uxori-local and viri-local marriage for men and women respectively is a source of insecurity that threatens the sustainability of livelihood after divorce or death of a spouse and is therefore assailable (7.4.1 Chapter 7, 9.4.1 Chapter 9).

In sum this section has discussed important gender domains and links between women's status and the sexual division of labour, forms of marriage and land rights and land inheritance, and the economic relations in agriculture production in Kamena and St. Josephs. The findings and arguments presented in this section suggest that the systems of land tenure in the case study areas are not egalitarian. Access and control over arable land is differentiated along lines of gender in favour of men. This is largely due to customary

male dominated systems of social structures that over time reinforces and reproduces gender inequality in land rights.

## **11.6 The role and powers of traditional authorities**

### **11.6.1 Traditional authorities and conversion of tenure**

All land in Zambia including customary land is vested in the President. Thus, the current land law does not recognise tribes as owners of customary land. Traditional authorities (chiefs, headmen or village elders) are not owners of customary land but merely *de-facto* custodians of land. However, although chiefs and headmen in Zambia do not own land there is no doubt that they have a regulatory role over the acquisition and use of land in chiefdoms. This is corroborated by evidence from case studies in Kamena and St. Joseph (section 7.2, Chapter 7 and section 9.2, Chapter 9) and it is also consistent with findings of other researchers (for example Barnes 1951; Priestley and Greening 1957; Colson 1960; White 1963; Ng'andwe 1976; Mvunga 1980; 1982). Traditional authorities have 'interests of control' which are related to regulation and not ownership (Allot 1971; Mvunga 1980). For example in Kamena and St. Joseph the chief or headman shows vacant land to their subjects for use as building sites or crop fields, gives permission to strangers to settle or acquire arable land, and settles land disputes.

The 1995 Land Act does recognise the title of persons holding land under customary tenure and it also provides that any person holding land under customary tenure may convert it into a leasehold tenure from the state not exceeding ninety-nine years. In this way customary land has been made eligible for individualisation, thereby allowing two systems of tenure (leasehold and customary tenure) to operate. Before an individual can convert customary tenure to leasehold tenure the Chief has to write a letter of consent to the district local government authorities of the area (Republic of Zambia 1995). Nevertheless, a chief's letter of consent is just a recommendation, which can be rejected or approved by government. It is government that issues the terms and conditions of the statutory leasehold. However, the chiefs role is key in the conversion of customary tenure process because without such a recommendation conversion of tenure is unlikely to take place.

Government's position is that customary land tenure lacks security of tenure because the

rights of landholders are not clear. It is argued that until land is fully surveyed and registered with the Registrar of Deeds, it cannot provide sufficient security or bolster investment in land or productivity. For this reason government has been stressing the importance of holding land on title deeds. Thus, one of the land policy strategies of government is to sensitise the public on procedures of conversion of customary tenure to leasehold tenure and advantages of holding land on title deeds (Republic of Zambia 2000: 16). This is despite the advice of many scholars and NGOs who have pointed out that insecurity in respect of customary tenure is often exaggerated (e.g. Machina 2002; Mushinfwa 2002; 2003; Zambia Land Alliance 2002). The focus on conversion of customary tenure to statutory leasehold seems to be flawed because it focuses on issues of agricultural productivity without concern with mounting inequality in access to land and natural resources. Peters rightly argues that a contemporary look at security of tenure should not be based on the assumption that land rights need to be 'clear' to be secure. She stresses on the importance of considering socio-political realities being documented in many parts of Africa (e.g. Fourie 2004: 32; Brown 2003; PLAAS/NLC 2003) where ambiguity is exploited by the privileged to obtain advantage over the rural poor. Formal specification of land rights should instead be focused on protecting the rights of the less influential against appropriation by the more powerful elite (Peters 2002a: 53).

It is nevertheless important to point out that the conversion of tenure provision in the law is relatively new and the rural population as evidenced in Kamena and St. Joseph is yet to become familiar with it. Although government is urging people living on customary land to get statutory leasehold title for their land the conversion procedure is problematic because it is bureaucratic, complicated, expensive and pro-elite. In this way it disadvantages poor people especially women who constitute the majority of poor and illiterate people in the village communities. Thus, for now conversion of tenure seems to favour only educated people and relatively wealthy people. The process of conversion of tenure at village level requires one to gain the support of the village headman or chief. Compared to poorer members of the village community in particular female-headed households, educated and wealthy individuals are well positioned to gain the support and required consent from the headman or chief to convert tenure. In this respect it is important to note the caution of many researchers on African rural land tenure who maintain that there is a need to assess land laws in relation to the capacity for different categories of people to realise their land rights. Otherwise unequal distribution and concentration of land are likely to occur (Carney



and Watts 1990; Berry 1993; Cousins 1997; Peters 1984; 2002a).

In the case of St. Joseph's, proximity to towns and markets appears to hasten the process of acquisition of large tracts of land, and conversion of tenure from customary to leasehold tenure by wealthy outsiders and returning migrants from nearby mining towns. Most wealthy newcomers or strangers, despite having been allocated land under customary tenure at no cost still express a feeling of insecurity of tenure and have welcomed conversion of tenure. First, because they feel that the locals regard their land tenure as inferior and temporary (7.4.1 Chapter 7, 9.4.4 Chapter 9). Second, they feel that they occupy and cultivate land under the patronage of the chief, headman or the core matrilineal group of the particular village community. In short they feel discriminated against on the basis of their descent as outsiders or strangers.

The felt insecurity of newcomers or outsiders especially the wealthy motivates them to use their economic power and influence to get the support of traditional leaders who are often unfamiliar with leasehold title, to convert tenure (section 7.4.1, Chapter 7 and section 9.4.4 Chapter 9). Unfortunately in most cases the conversions of tenure also include large tracts of uncultivated customary land, thereby depriving the village population of the general right to access and cultivate vacant land within the village territory. Village communities in this respect are vulnerable, because the law has conferred on chiefs the authority to sanction conversions of tenure, which some chiefs have used to their personal economic gain to the detriment of the livelihoods of their subjects. Recent complaints of abuse of customary tenure conversion by chiefs in collusion with wealthy outsiders in rural Zambia abound (Machina 2002; Zambia Land Alliance 2002; Brown 2003; Salusewki 2004; Kaunda 2004). In the remote village communities of Kamena it is mostly the local elite (small shopkeepers, migrant workers and cash crop farmers) rather than outsiders who usually convert tenure. For this reason conversion of tenure is associated with the relatively wealthy and educated people.

It is clear to me that the customary system of land administration in Kamena and St. Joseph has the weakness of being too submissive to political power of traditional leaders (chiefs or headmen), which makes it easy to abuse for personal gain (see section 9.4.4 Chapter 9). This highlights the need to re-examine the law on conversion of tenure, and especially the power vested in the chief by the state to give consent for conversion of tenure of parts of

village land. Unilateral decisions of chiefs to approve conversion of tenure of village land are now questioned by the village communities because such decisions often compromise the general land use rights and livelihoods of other villagers (see section 9.4.4 Chapter 9). It is unwise to vest such great power on which livelihoods of village communities depend on one person. It is clear that the 1995 Land Act provision in respect of conversion of tenure in its form today disadvantages village communities especially the poor and women and unfairly empowers the wealthy and educated. It is in such situations that Peters argues that formal recognition of rights and responsibilities are needed to give village communities more capacity to control key resources on which they depend for their livelihoods (Peters 2002a: 53-54).

### **11.6.2 Traditional authorities and enclosure of common property resources**

Evidence in chapters 8 and 10 has shown that individuals and households living in both Kamena and St. Joseph village communities have the customary right of access to resources located on the village commons. The commons form the natural resource base from which members of the village communities collect wild plant and animal resources for domestic use free of charge. The practice in the two study sites is that natural resources on the village commons are for the exclusive use of all legitimate members of the village communities (section 8.2 Chapter 8, section 10.2 Chapter 10). The exclusion of outsiders from direct access to natural resources on the village commons is a safe guard from an open access situation. It is also a positive customary defensive mechanism that protects the communally owned natural resources from abuse and overexploitation by outsiders thereby contributing to livelihood security of the village community. Nevertheless, outsiders are at liberty to trade in these resources as long as they buy them from local villagers.

Some common property resources such as wild mushrooms, wild vegetables and caterpillars are seasonal and grow or survive well on particular ecological sites. Nevertheless common ownership of these resources is socially equitable in that all members of the village community have access to them. Chiefs and headmen regulate the use of these resources and villagers are obliged to observe communally accepted rules or practices of harvesting or collection (section 8.4.1, Chapter 8). Evidence has shown that use of wild plant and animal resources from the village commons is a coping strategy and food safety net for the poor during times of stress. Common property resources are also an important source of employment and income and thus a vital livelihood strategy

complementing agriculture (Chapter 8, Chapter 10). The relatively high household direct use values of case study common property resources illustrates the economic importance and vital contribution of these resources in the livelihoods of the people (see Tables 8.3, 8.6, and 8.9 in Chapter 8 and Tables 10.3, 10.6 and 10.9 in Chapter 10). Rural households in South Africa and in southern African also procure a wide variety of natural resources from the village commons for household consumption and for sale (Kepe 1997; 2002; Shackleton *et al* 1998; 2000; 2001; Andrew *et al* 2003; 2003a)

It is noteworthy that firstly, the conversion of tenure provision of the law is not well articulated amongst the majority of villagers. Secondly, the flexibility of customary tenure through chiefs and headmen and through the conversion of tenure process has compromised the existing common property rights of village communities. Again I must stress that the customary vestment of land allocation powers in individual traditional leaders is a weakness, which is often abused for personal gain (sections 7.3.6 Chapter 7, section 9.4.4 Chapter 9). Further the tenure conversion process in which chiefs are key players does not seem to recognise the importance of the interdependence of common property resources and crop production in rural households' livelihoods. Consequently the conversion of tenure process does not safeguard the customary common property resource rights of the village communities. Thus, as tenure of large tracts of land from the village commons are converted into private leasehold tenure by wealthy and influential people in collusion with traditional authorities, the village community in particular the poor lose access to these important source of subsistence and income. It is in these circumstances that the mismatch between statutory tenure, which emphasises individual ownership of land, and customary tenure, which emphasises individual use of land subject to overriding rights of the community, is most apparent.

The above points are not surprising as conversion of customary tenure to statutory tenure has a poor record in Africa. The introduction of land titling in customary land tenure jurisdictions has in practice largely benefited powerful private interests. Such land titling programmes often create opportunities for land concentration in the hands of political and local elite, with inadequate safeguards for customary land rights of rural communities and consequently result in increased poverty among the poor (Plateau 2000a). A typical example is that of Kenya, where inequalities of land ownership have resulted from manipulation of the conversion of tenure process by the politically well connected. This

has also resulted in landlessness among the poor, and diminished security of tenure for non-title holders. Land disputes resulting from individual rights being imposed on customary multiple rights have increased and poorer farmers are not able to acquire title, since the costs are often greater than the benefits (Okoth-Ogendo 1982; Bruce 1986; Green 1987; Migot-Adholla *et al* 1994; Quan 2000).

The controversial role of chiefs over customary land is not only unique to Zambia. The contested role of chiefs in land matters in customary jurisdictions of Africa particularly Southern Africa remains a challenge in land tenure reform (Toulmin and Quan 2000; Quan 2000; Cousins 2003a; PLAAS/NLC 2003). For example in some rural areas of South Africa democratically elected local councils are struggling to define their role and find themselves in competition with tribal leaders (Lahiff 2000:172-174). There are concerns in relation to the status of the land rights and livelihoods of rural people and the undemocratic role of chiefs in their administration, which is impacting negatively on rural poverty (Cousins and Claassens 2003). This is evident from the debate concerning the communal land rights bill, which some people think gives extra ordinary powers to chiefs over communal land (Claassens 2003; PLAAS/NLC 2003). Worry is also expressed concerning the problems of chiefs and headmen charging for 'land allocations' in many communal areas of South Africa (PLAAS/NLC 2003: 5). In Namibia Simon has also observed that customary basis of land allocation by chiefs has changed towards ability to pay. In exchange for payment to the local chiefs and headmen, large tracts of land are being fenced in a process of *de facto* individualisation of tenure. This is being done ahead of government plans to reduce the role of traditional authorities who seem to be using their customary power over land allocation to enrich themselves and secure their future (Simon 1993: v-vi). In Zambia at issue is the legal recognition and protection of communal rights to natural resources on the village commons and the undemocratic and unaccountable role of traditional authorities in the conversion of tenure process. These two issues are also among the key issues dominating wider debates on land tenure reform within the Southern African region. In Zambia customary tenure faces the challenge of protecting the livelihood interests of the village community on the commons and at the same time to operate in harmony with the interests of those who wish to convert their customary tenure of land.

## **11.7 Social change: impact on livelihoods and tenure systems**

### **11.7.1 Money economy and population pressure**

Before considering the policy implications of the findings, it is important to take a close look and sum up the socio-economic dynamics in which people are constructing their land-based livelihoods on customary land. It is also important to ponder the causal relationship between conversion of customary tenure to statutory tenure on one hand and on the other, the increasing disparities in land holding and the alienation of land to individuals outside the communities. In other words is the conversion of tenure provision in the Land Act of 1995 causing this trend?

In the past land tenure and livelihoods in customary lands operated in a totally subsistence economy with complete absence of markets in land and labour. In general African communities subsisted on small areas of cultivated land and there was a pre-eminence of community interest in land. In the course of the past century, populations in Africa have tremendously increased and business outlets have provided the incentive and agricultural innovations the capacities to farm more land (West 1982: 2). For example evidence in this study has shown that while relations within and between households in Kamena and St. Joseph are to some extent based on reciprocity, the wider Zambian money economy and commercialisation are now affecting them.

Today evidence in Kamena and St. Joseph has shown that the land tenure system is partially operating in a money economy and under ever increasing populations. Village communities have started to move from shifting cultivation for strictly subsistence cropping towards cash crop farming on semi-permanent or permanent fields resulting in trade with urban markets. In the past the level of technique likewise influenced the system of land rights, because in the absence of any knowledge of use of manure, soil fertility could only be maintained through shifting cultivation (Mair 1961; Podedworny 1971). The use of chemical fertiliser in cash cropping has influenced the system of land rights towards permanent individual land rights because soil fertility does not entirely depend on shifting cultivation (*chitemene / ifiteme*). This is consistent with West's suggestion that individual property rights emerge in areas of sedentary agriculture especially where cash cropping has take root (West 1982: 3). In southern Malawi where there is hardly any virgin arable land left, individuals within matrilineal families inherit crop fields and it is common for

people to hold the same fields for a lifetime. Further commercial transactions in land such as renting and selling have developed (Peters 2002a: 50). In this case it seems local scarcity of land has begun to give arable land a money value which it lacked before.

In Kamena and St. Joseph the above developments have tended to make agriculture for some households relatively permanent with individuals especially the wealthy exercising permanent land rights (*amafamu*) and individual interests in land and its preservation have emerged. Permanent land rights are also reinforced by the construction of structures on the building site in permanent materials, which involves investment in labour and building materials making the value of investment a factor in land tenure. As stated earlier now some wealthy farmers prefer their immediate family who have worked to develop the farm to inherit the farm as opposed to traditional extended matrilineal family inheritance. Although customary land rights are not yet fully negotiable a more commercial attitude towards land has emerged especially amongst cash crop farmers and the wealthy (*abakankala / ababile*) in general. The relative proximity of village communities to towns, for instance those of St. Joseph appears to hasten the commercialisation of dealings in land and labour than in more remote rural communities like Kamena. Arrangements about land and labour use originally based on an abundance of land are slowly being put under pressure, as vacant land becomes relatively scarce. The fluid nature of a system in which land could be distributed flexibly according to needs have begun to show strains.

Consequently, under the money economy, population pressure and social change in general, the customary land tenure systems of the village communities are undergoing modification in both theory and practice. For instance, there is a tendency amongst wealthy cash crop farmers to ensure security of tenure of their crop fields and other improvements on their farms (*amafamu*) through the state-supported conversion of tenure. This has in turn resulted in fears and land tenure insecurity amongst local poor people (*abalanda / abapengele*) of land and common property resources dispossession by wealthy farmers and outsiders who seem to be the main beneficiaries of conversion of tenure. The enactment of the 1995 land law has a critical impact on different households in the village, reinforcing processes of commercialisation, tendencies to individual land holding and increasing pressure on the land. However the Land Act of 1995 is not by itself causing individualisation tendencies. It should be noted that under the money economy, accompanied by population pressure individualisation of land and sales of land even to

outsiders is bound to occur. Thus the Land Act of 1995 is just facilitating individualisation of land rather than being the main cause. The extent to which the money economy, population pressure and social change in general either enhance or jeopardise people's livelihoods is obviously an important issue to consider for land tenure reform.

### **11.7.2 Land tenure, witchcraft and social tension**

It is clear from evidence (section 7.4.3, Chapter 7 and section 9.4.3, Chapter 9) that belief in witchcraft is deeply embedded in the social lives of people in Kamena and St. Joseph village communities. For example there is a common belief that socio-economic differences between villagers should not be much unless witchcraft (*ubuloshi / ubufwiti*) is at play. Thus, success in trading or farming or indeed any other economic activity is often viewed as evidence of involvement in witchcraft. Consequently prosperous cash crop farmers are vulnerable to accusations of witchcraft (*ubuloshi / ubufwiti*) than the ordinary subsistence farmer. Although custom requires that a suspected witch be evicted from a village, traditional expulsion of suspected wizards is outlawed by government legislation (Republic of Zambia 1994a). Informants in the two study sites argue that the law on witchcraft favours wizards. This is also the position of the Traditional Health Practitioners Association of Zambia (THPAZ) who have been lobbying Government to recognise the existence of witchcraft and to amend the Witchcraft Act to legalise witch-hunting (Times Reporter 1998).

At Kamena and St. Joseph in general when illness or misfortune is associated with neighbourly witchcraft, affected households usually move elsewhere to render the witchcraft act harmless. At the same time social sanctions by a village community like isolation are used to pressure the suspected witch to leave the village. This seems to be a common trend in rural Zambia. For example Ferguson has documented several cases of ex-mineworkers on the Copperbelt towns of Zambia who did not like the idea of returning to villages to take up land because of fears of witchcraft. Some of Ferguson's research respondents who had settled in rural Zambia (in Northern and Luapula Provinces) reported that they had received terrifying threats of witchcraft by jealous friends and neighbours who resented their wealth (pensions, big houses, livestock) accumulated during their working life. Some had settled away from village centres to distance themselves from the witchcraft of jealous friends and relatives. Others had fled from their villages to settle and farm among strangers preferring social isolation to the danger of witchcraft of envious

relatives and friends (Ferguson 1999: 133-163). This is not only unique to rural Zambia. As far back as the late 1930s Wilson also observed the witchcraft-related movements of rural people in Africa in his study of land rights among the Nyakyusa of Tanzania (Wilson 1938: 31-38). In Malawi Mbalanje has observed that a member of a family accused of witchcraft can be dispossessed of land (Mbalanje 1982:52). In a recent article based on data collected from rural southern Malawi Peters has also illustrated how matrilineal families are broken up through bitter quarrels based on accusations of witchcraft. This usually leads to a group of sisters moving away from matrilineal land and thereby giving up their land rights and those of their children to the matrilineal sisters and relatives who remain (Peters 2002: 155).

Resettlement of households especially involving movements from one village to another requires taking up of new land for residential and agricultural purposes. Thus, movements described above are only possible where people are able to find alternative sites to settle. Thus, abandonment of building sites and crop fields is more easily done in Kamena where land is still relatively abundant than in the more populated St. Joseph where acquisition of land requires much negotiation with traditional leaders. From a land tenure view, movements of households in fear of witchcraft tend to constrain them from developing long-term interest in particular building sites or crop fields. Witchcraft and social tension related movements are also often the cause of misunderstandings and disputes over 'abandoned land'. This is because in the two study-sites there are no clear traditional acts of land abandonment. It is thus difficult for the village community to be sure, as to whether or not land rights, previously established by a person running away from neighbourly witchcraft are abandoned.

The practice in both Kamena and St. Joseph is that as long as a household returns to the building site before their house falls into disrepair, the villagers respect their claim to that building site. For arable land especially near village building sites an individual's rights are valid, only as long as the cultivated land continues to be cultivated in subsequent years, if not a headman is in order to assume that such land has been abandoned and to allocate it to another user. Although there is no consensus on the period of fallow village communities are in agreement on the point that an individual or household should not keep land idle for too long, because others in need would like to use it. With scarcity of land and if livelihoods of households are not diversified from agriculture indications are in future



villagers will tend to cultivate permanent fields on a regular basis. At issue here is the prevailing persistence of the belief in witchcraft in rural Zambia and in other countries within the Southern African region, which has negative consequences for land rights of individuals and households. Admittedly, security of tenure remains illusory for those people who have converted customary tenure to statutory tenure as long as they can be pressured through social sanctions to leave the village community on charges of witchcraft. For as long as village communities continue to associate success with witchcraft, prosperous farmers and others who are successful in land based activities will continue to be vulnerable to accusations of witchcraft. Consequently this will lead to insecurity of tenure and loss of land rights as in some cases reported in this study (section 9.4.3 Chapter 9) and in Peters (2002).

### **11.7.3 The impact of HIV/AIDS on tenure systems and livelihoods**

Most of the countries in sub-Saharan Africa hardest hit by the HIV/AIDS pandemic are located in Southern Africa. These include Botswana, Lesotho, Swaziland, Zimbabwe and Zambia in which 20 per cent to 36 per cent of the population aged 15-49 is living with AIDS (SARIPS 2000: 147-149). As in much of sub-Saharan Africa HIV/AIDS has affected many in Zambia. Since the first diagnosed case in Zambia in 1984 HIV/AIDS has become increasingly widespread with an estimated adult HIV prevalence of 14 percent in rural areas and 28 percent in urban areas. Currently about 20 percent of the adult population in Zambia aged 15 to 49 are living with HIV (Republic of Zambia 2002).

St. Joseph and Kamena village communities have not been spared from the impact of HIV/AIDS. There are a number of people within the village communities who are bed-ridden and are being nursed and dying of diseases such as TB, Herpes zoster (*umulilowalesa*), chronic Diarrhoea (*ukupolomya*) or Malaria (*impepo*) which could be HIV/AIDS related. Elsewhere in rural Zambia indications are that HIV/AIDS is quite prevalent (Machina 2002). For example Chief Musokotwane of the Leya people of Kazungula reported that out of a population of 14,000 in his villages there are about 1,500 orphans who are in need of support (Banda 2004). The impact of HIV/AIDS on the village community's economy and household livelihoods is not easy to quantify. However it is clear that AIDS pandemic is a threat to well being of households in villages because ill health is not conducive to livelihood generating activities.

At household level, AIDS takes up from the household income and other inflows that the patient would have brought in. When the disease is in an advanced stage, the patient has to be nursed almost constantly. At least one adult of the household has to devote time to nursing the patient. This reduces on the number of adults contributing to the livelihood requirements of the household and those who die leave widows, widowers and orphans, often an extra burden for the already hard-pressed livelihoods of households. HIV/AIDS also impacts on natural resource use of individuals and households when a member of a household with the knowledge of specific resources in relation to the best collection areas, collection times, sustainable harvesting methods, is unable to harvest because he or she is stricken by the disease. In this way, the resource is no longer available to the household, and the knowledge may be eroded (Andrew *et al* 2003: 15).

It is important to point out that women in particular have faced severe impacts of HIV/AIDS. There is no doubt that the advent of HIV/AIDS disadvantages women's livelihoods in several ways. For example traditionally it is women who spend much of their time looking after the sick (*ukutensha*) and therefore reducing their productivity on crop fields. This study has shown that in most parts of Africa customary systems are not egalitarian and access to and control of resources are differentiated according to gender in favour of men. As a consequence, most sub-Saharan women gain access to land only through their relationship with their male relatives (Lastarria-Cornhiel 1997; Pottier 1999; Ellis 2000; Palmer 2004). Further, in virilocal marriage after death of a husband inheritance of land rights or access to land and control of other property is the prerogative of the deceased's matrilineal male relatives (7.4.1, Chapter 7 and 9.4.1, Chapter 9). The matrilineal relatives of the late husband will often claim most of the valuable household assets including crop fields. This practice is based on the belief that a wife comes to her husband's village 'empty handed' (*iminwenkutwa*) and that her place is in her mother's village (section 7.4.1 Chapter 7 and section 9.4.1, Chapter 9).

When a person dies without a will, which is usually the case in village communities, the Intestate Succession Act (1989) is supposed to protect the interests of the surviving spouse and children. The Act allows the surviving spouse to inherit 20% of the deceased's estate, together with the matrimonial house (Republic of Zambia 1989a). However this law does not apply to customary land and impact of HIV/AIDS has worsened the land tenure security for widows living in virilocal situations. The negative impact of land inheritance

under virilocal marriage is highlighted by the HIV/AIDS pandemic which puts women in more livelihood hardship on the death of their husband due to dispossession of land by the late husband's matrilineal relatives. Usually widows simply go back to their mother's village to start reconstructing their livelihoods again. In conclusion, There is no doubt that the net effect of HIV/AIDS on people's livelihoods, especially poor women is negative. HIV/AIDS exacerbates the poverty of the rural poor, undermining the viability of the household as a unit and placing gender relations under great stress. The suffering due to HIV/AIDS epidemic, together with the fact under customary land tenure systems widows have only indirect, and often insecure access to land, continues to worsen the livelihoods of widows and their children. Thus, in the context of the HIV/AIDS epidemic securing land rights of the rural poor, especially women is a great challenge for policy makers and development practitioners in Zambia and in the southern African region where countries hardest affected by the HIV/AIDS scourge are located.

### **11.8 Conclusion**

In this chapter I have revisited, summarised and synthesised empirical findings in the two case study sites Kamena and St. Joseph on how land and natural resources are accessed, used and managed and contested by individuals and households in the village communities in generating livelihoods. In concluding this chapter I would like to submit that evidence from the two case study sites clearly shows that land is the basis of social life and a key economic asset for the village communities. Land and natural resource rights in the two study sites form the basis of land-based livelihood activities of rural people including subsistence-oriented farming, cash cropping and gathering of natural resources.

In sum, evidence from the two study sites has led me to conclude that social differences (along the axes of wealth, gender and descent), traditional institutions (uxorilocal or virilocal marriage, polygamy, inheritance and succession) and government policy are central in determining access, use and control of land and natural resources in rural livelihoods. In particular I think that customary tenure faces the challenge of protecting the livelihood interests of the poor and women and to operate in harmony with the interests of the village elite who wish to break away from the customary terms and conditions of land holding. I would also like to submit that given the lack of employment opportunities and social security arable land and common property resources on the village commons are likely to remain important livelihood resources to households for many years to come. It is

thus important for government policy to recognise the diversity of rural people's livelihoods and the important role and contribution of common property resources to the livelihoods of rural people. The present dissatisfaction by village communities with the land tenure arrangements especially with regard to access and control of natural resources should be taken seriously. There is no doubt that a land tenure reform oriented towards support of sustainable rural livelihoods is a must for rural Zambia. The important question is what form should it take? In the next chapter I attempt to answer this question.

## **CHAPTER 12: CONCLUSION AND POLICY IMPLICATIONS**

### **12.1 Introduction**

This study is about land tenure and rural livelihoods in the customary lands of Zambia. It is an attempt to examine land issues central to the livelihoods of people living in village communities on customary lands. From Chapters 5 to 11 using empirical evidence from Kamena and St. Joseph, I have striven to explore how land and natural resources are accessed, used and managed and contested by households in the village communities in generating livelihoods. The focus of the study has been on crop field tenure, and livelihoods and natural resource tenure. Case studies have been used to illustrate and argue that land and natural resource rights underpin land-based livelihood activities of rural people including subsistence-oriented farming, cash crop farming and gathering and processing of natural resources from fallow crop fields and the village commons. In concluding this study, this chapter discusses policy implications of the findings.

### **12.2 Customary land tenure reform**

In Zambia today reform of customary land tenure that regulates rights in land of approximately 94 percent of Zambia's total area is the most important land policy issue under debate (Chapter 1). This is especially in relation to the wider debate on the direction of socio-economic and political change of the country from a socialist state to a multiparty democratic state (Republic of Zambia 2000; Palmer 2004; Hansungule 2001; Zambia Land Alliance 2002; Machina 2002; Munshifwa 2002; 2003; Adams 2003; Brown 2003). As I stated in Chapter 1 the Movement for Multiparty Democracy (MMD) came into power in 1991 with a manifesto that pledged to move from state control of land to individual ownership of land (MMD 1991). Critics of customary tenure called for a land-titling programme arguing that registered land title would provide farmers security in land and enable them to use land as collateral for loans from banks for investments in agriculture (Chinene 1993; Hudson 1996).

In order to effect their manifesto pronouncements on land, the MMD government introduced the Lands Bill, 1994 in Parliament (Republic of Zambia 1994). Although the Bill met with a lot of opposition in parliament and from civil society it was enacted into law as the Lands Act No. 29 of 1995 (Republic of Zambia 1995). The objective of the 1995 Land Act is to liberalise Zambia's land tenure system. Specifically it provides for a

land market in customary land and issuance of land title through conversion of customary tenure. As I have pointed out earlier (see section 3.3, Chapter 3) literature based on empirical research on African land tenure has not shown convincing evidence of the benefits of conversion of customary tenure to individual tenure (Bruce 1986; Barrows and Roth 1990; Bruce *et al* 1994). Even the World Bank now acknowledges that land titling is not a panacea for increasing productivity and security of tenure for people constructing their livelihood on customary land in Africa or developing countries and their recent report has observed that:

The last public pronouncement by the World Bank on land issues was in the 1975 *Land Reform Policy Paper*, which analysed land largely in terms of agricultural use and productivity, devoting little attention to the importance of land rights for empowering the poor and improving local governance, .... the gender and equity aspects associated with land...it is now widely realised that the almost exclusive focus on formal title in the 1975 paper was inappropriate, and that much greater attention to the legality and legitimacy of existing institutional arrangements will be required (Deininger 2003: xlv - xlv).

Experiences in other countries in particular Kenya have shown that formal land titling is not by itself an adequate condition for efficient use of customary land or improvement of rural people's livelihoods (Bruce 1986; Green 1987; Okoth-Ogendo 1982; Quan 1998; Migot-Adholla *et al* 1991). In fact it is associated with high economic and social costs, and negative consequences for poor people's livelihoods (Platteau 2000; Toulmin and Quan 2000; Cousins 2003a). In this study evidence in Kamena and St. Joseph has clearly shown that conversion of customary tenure under the 1995 Lands Act lacks adequate safeguards for customary land rights of rural communities. It has largely benefited powerful private interests to the detriment of the livelihoods of the poor (see 7.4.4, Chapter 7 and 9.4.4 Chapter 9). These findings are also in line with observations by other researchers and observers (e.g. Machina 2002; Zambia Land Alliance 2002; Brown 2003; Saluseki 2004; Kaunda 2004). Given this situation, land tenure reform in customary lands of Zambia should really be that of strengthening land rights of rural households especially those of the poor who are most vulnerable.

It is important to point out that new perspectives on customary tenure systems have

emerged and there are arguments in favour of adapted versions of African tenure systems. For example some authors maintain that indigenous tenure arrangements are dynamic and flexible (Quan 1998; Adams *et al* 1999). Further that customary tenure systems operating in village settings provide vital livelihood security functions for households and they are said to have the capacity to evolve and to meet new social and economic needs of the communities. Thus emerging policy recommendations are calling for legal recognition of customary land rights, clear definitions of people's land rights and natural resource use rights coupled with strengthening of local community institutions for land administration and management (Quan 1998; Platteau 2000a; Peters 2002a; Cousins 2003a).

In formulating land tenure policy in respect of the customary lands of Zambia, it is important to note first that for now village communities are not characterised by large inequalities in land ownership. Second that the tenure system offers reasonable tenure security and livelihood opportunities. In fact Bruce and Dorner point out that customary land tenure has worked well for Zambians in their traditional societies by providing equitable access to subsistence opportunities. The important question is whether customary tenure can be adapted to provide broad and equitable access to development opportunities (Bruce and Dorner 1982: 41). This study suggests that customary tenure systems in rural Zambia may be used as a basic foundation of equitable tenure reform. Thus, it is suggested that land tenure reform measures for customary lands should positively exploit the adaptability and responsiveness of existing customary systems in support of rural household livelihoods.

Unfortunately, in general land policy makers in Zambia tend to ignore the several livelihood benefits that customary tenure systems offer to majority of poor Zambians living in rural areas and to urban dwellers planning to migrate to rural areas, preferring instead conversion of tenure. Given the high levels of poverty, lack of employment opportunities (see section 1.1, Chapter 1) and state supported social security; arable land and common property resources governed under customary tenure are likely to remain important livelihood resources to rural households for many years to come. Consequently this study has concluded that neither customary tenure systems nor conversion of customary tenure to individual statutory tenure of land provides a general solution to the land-based livelihood problems of the people living on customary lands of Zambia. It is suggested that Zambian land policy makers should move away from what Bruce refers to as a "replacement

paradigm” in which customary tenure are replaced by statutory tenure, towards an “adaptation paradigm” for the evolutionary change in customary law (Bruce *et al* 1994a: 261). In principle this means that customary land tenure should be retained but adapted to support security of tenure and sustainable livelihoods of households beyond mere subsistence opportunities.

The adaptive approach to land tenure reform should recognise that land tenure rights under customary tenure are embedded in socio-cultural systems that are not easily bypassed. They embody important aspects of social life in village communities such as marriage, inheritance, power, equity and social security (Platteau 2000a: 72). For example most households in Kamena and St. Joseph occupy and use land under customary tenure. Access and transactions in land are mostly based on matrilineal kinship relations (see sections 7.3, Chapter 7 and section 9.3 Chapter 9). Despite the pressure of a money economy the idea that land is a fully negotiable commodity is still not acceptable and the few sales of improvements on land such as a house are distinguished from sale of bare land (see section 7.3.6 Chapter 7 and section 9.3.6, Chapter 9). For these communities the social security role of land is crucial. These socio-economic aspects of customary tenure systems often dominate pure economic and efficiency concerns (Platteau 2000a: 72). Thus adherence to community customary values and access to community mechanisms for coping with difficult times are still vital (Bruce *et al* 1994a: 259). Accordingly the solution for now seems to be in designing a system in which government recognises customary rights of village communities at the same time promotes rural people’s ability through capacity building to protect and exercise own land rights.

The present customary rights in land and natural resources enjoyed by households in the village communities should be given more definite and permanent form and recognised by law to belong to the people. Greater specification and formal recognition of customary rights and responsibilities are needed to give village communities the capacity to control key resources on which they depend for their livelihoods. This means that the present land tenure policy in Zambia, which is focussed on replacement of customary tenure, must submit to a more adaptive government facilitated evolution of customary land tenure systems. The change should be gradual and supported by village communities (Bruce 1993; Migot-Adholla *et al* 1991; Platteau 2000a). The thrust of this approach should be to promote the adaptability of current tenure systems and to rely on local procedures



administered by local representative structures. This suggests strengthening of village community capacities for land administration and dispute settlement rather than focussing on promoting conversion of customary tenure to individual tenure.

It is advisable to build on and modernise existing customary land holding structures to suit the rural socio-economic contexts in which the changes are to be effected. It is thus important to take into consideration trends established through empirical research as guides to what can be done in land tenure reform. For example this and other studies have established or corroborated that customary land use rights in crop and residential sites are individual and that private property rights in land have emerged with some land being used for cash cropping. Further that gathering and processing of natural resources from the village commons and *de facto* private lands remains a vital source of employment and income to the village communities. Thus customary land use is characterised by both individual and communal use. Commercialisation is of course at different stages in rural communities; for example this study has shown that the case study site of St. Joseph which is relatively nearer to urban areas is more commercialised than Kamena. Tenure reform should thus be flexible enough to cater for the tenure needs of people in various stages of commercialisation or money economy in rural Zambia. As Okoth-Ogendo points out the challenge for tenure reform here is to recognise the variety of complex land use and holding systems that characterise the African customary lands and to design innovative tenure regimes to suit them (Okoth-Ogendo 2000: 132). Further, West has aptly observed that:

The need for tenure conversion presents to African countries a unique opportunity for innovation, invention, and planning. This opportunity must be seized in order to avoid not only the undesirable social consequences of unfettered private enterprise, but also, alternatively, the disincentives and diseconomies that have been found to accompany certain forms of collectivism (West 1982: 11).

Land tenure reform should thus provide for a system of land holding in which people can construct livelihoods from various land uses, private, communal, agricultural and non-agricultural. As Cousins points out securing rights to residential sites, crop fields and common property resources on customary land need not take the form of titling but clear definition in law as in Mozambique or Tanzania (Cousins 2003a: 285). Through an Act of

parliament it would be possible to provide statutory rights on customary land without involving the current expensive and restrictive land survey and registration procedures. In this way individuals and households in village communities would forthwith get legal protection for their land and natural resource use rights.

The system should respond to particular tenure needs of people living on customary land. This means securing people's rights to land and resources within a range of tenure systems and with gender equality as an important objective (Cousins 2003a). Thus, although the land may be vested in the village community individual holders of customary rights for residential and cropping purposes on application to the land administration committee maybe granted indefinite, exclusive or inheritable rights of land use under a certificate of customary land grant. Similar to the situation in Botswana it should also be possible for common law leases of relatively long period and subject to reversion to the community to be granted and registered. Rather than to enforce tenure change, the proposed common law leases should be used to secure tenure of customary land users with felt insecurity or those users who need title deeds for collateral.

As I conclude this section I must also add that it is important to bear in mind some feasible but narrower solutions to land tenure reform in customary lands of Zambia. For example the current land titling approach in customary lands of Zambia is voluntary and hence sporadic. It is associated with high costs and insecurity of tenure for the poor (section 7.4.4, Chapter 7). A more equitable and less expensive approach would be a compulsory (systematic) approach that allows for demarcation and registration of both family holdings and village commons. This confirms *de facto* rights in land, leaves the people holding the same parcels of land but with the benefit of increased security of tenure (Bruce 1993a). This approach is less expensive per unit and although the initial costs may be high they are in most cases paid for by the state. This approach may be most suitable in rural areas having strong population pressures and competition for land (Larsson 1991).

### **12.3 Customary land administration: The role of chiefs**

Evidence from Kamena and St. Joseph clearly show that customary land and natural resource rights in the two study sites form the basis of land-based livelihood activities of rural people. Although customary tenure systems provide reasonable security of tenure, there are some unresolved policy issues at village community and household levels

concerning land and common property resource rights which, if not resolved, have the potential to impact negatively on rural livelihoods. This is especially in relation to how customary land tenure is interacting with statutory provisions for conversion of customary tenure. There is a need for land policy to address fundamental questions in respect of the status of the land rights of rural people living on customary land and the role of chiefs in land administration.

In Kamena and St. Joseph the local view to ownership of village land is that no one man owns the land. Land belongs to the villagers as a group and the chief or village headmen simply represent the village communities (7.2, Chapter 7 and 9.2, Chapter 9). This is consistent with findings of other observers in Zambia (e.g. Colson 1960; White 1963; Mvunga 1980; Kaunda 1993; Brown 2003; Adams 2003). By tradition chiefs have the responsibility of land stewardship and to ensure equitable access to land by all villagers for their livelihood through village headmen. According to the Lands Act of 1995, all land in Zambia is vested in the President (Republic of Zambia 1995). By implication, land governed under customary law is not vested in the chief or headman. However the Land Act of 1995 by the provision that chiefs should be formally consulted before conversion of customary tenure to statutory leasehold tenure confirms the chief's customary powers. In fact chiefs administer land tenure in customary land by permissive legal acknowledgement but without support from central government.

However, this study through case studies in Kamena and St. Joseph has also shown that the issue of converting customary tenure to statutory tenure is the most controversial, it lacks adequate safeguards for communal land rights and is a threat to livelihoods of households especially the poor. This is mainly because the present conversion of tenure process is not democratic. Section 8(2) of the Land Act of 1995, requires a chief's consent before conversion of customary tenure to leasehold tenure (Republic of Zambia 1995). Nevertheless, chiefs do not usually consult the village community on matters concerning land especially if they stand to benefit economically from such transactions. It is unwise to vest such great power on which livelihoods of village communities depend on one person. The conversion of tenure should be treated as a village community issue because of its impact on community interests in land and common property resources. The law on the other hand does not compel chiefs or headmen to consult the village communities whose land rights are at issue. Consequently there is no opportunity for the village communities

or individuals at a local level to raise objections. Yet this is a serious process, which should require transparency and accountability. This weakness has allowed some influential elite in collusion with chiefs to convert customary tenure of large tracts of land, over which the village community has prior common property rights to individual tenure. In this way the present conversion of tenure process often undermines the common property resource rights of the village community and their economic viability.

Villagers are now questioning the integrity of their traditional leaders in handling issues of land allocation, conversion of tenure and protection of common property rights (see 7.4.4, Chapter 7 and 9.4.4 Chapter 9). Regrettably the problem of chiefs abusing customary land rights by treating village land, as personal private property are reported to be widespread on customary lands of Zambia (Machina 2002; Zambia Land Alliance 2002; Brown 2003; Saluseki 2004; Kaunda 2004). There are two lessons from here, first that the current system where the chief is the sole allocating authority is defective and secondly that security of land tenure and livelihoods for rural households are unlikely to be realised only through conversion of tenure and exercise of registered private property rights.

The contested role of traditional authorities in tenure systems is not only unique to Zambia. Democratisation of land administration systems and structures, and appropriate definitions of land rights remains a challenge for other countries like South Africa (see Cousins 2003a: 284; Claassens 2003; Lahiff 2000; PLAAS/NLC 2003) and to Africa in general (see Adams *et al* 1999; Okoth-Ogendo 2000; Peters 2002a). For Southern African countries in general Adams has observed that while individual tenure is fully protected in law and in practice, customary tenure of land lacks legal protection and administrative support (Adams *et al* 1999). In the absence of a democratic and transparent land administration system as the situation now stands in the customary lands of Zambia, land administration procedures are more prone to abuse thereby contributing to insecurity of customary rights of villagers. There is a clear need to improve the traditional institutions dealing with customary land in Zambia. In the search for a solution to this problem it is instructive to take heed of West's advice:

A search must be made for new and alternative forms of socio-economic organisation relating to land. Such organisations are cultural inventions and will reflect cultural values. ... no single system is universally acceptable as ideal ...Development has been

achieved within a variety of systems and hard experience has shown that tenurial institutions can seldom be successfully transferred directly from one country to another (West 1982:5).

It is also important to take into consideration emerging policy recommendations for African customary lands, which advocate for legal recognition of customary land rights, clear definitions of people's land rights and natural resource use rights and the strengthening of local community institutions for land administration and management. Government support for community level institutions and procedures for mediation and negotiation, are also emphasised (Berry 1993; Quan 1998; Platteau 2000a; Peters 2002a; Cousins 2003a). For Zambia this will require legal and administrative innovations such as government taking a deliberate position to clearly and seriously recognise customary tenure and devolution of land rights management to village communities. This should strengthen local institutions to mediate interests of individuals and households in land and common property resources. There is also a need for land policy makers to review the experiences of other African countries (Botswana, Namibia, Uganda, Senegal, Burkina Faso, Niger, Mali, Cote d'Ivoire and Madagascar) who have made attempts through legislation to recognise customary land rules (Quan 2000a; Delville 2000; Adams *et al* 2000; Okoth-Ogendo 2000).

Within the Southern African region Botswana is one example from which Zambia can learn on how to deal with strengthening or improving customary land administration. Before 1968, Botswana experienced similar customary land management problems like Zambia with about eighty 80 percent of its land under tribal land tenure systems and administration controlled by chiefs (Quan 2000a; Munshifwa 2002). To improve the administration of tribal land the government in 1968 enacted the Tribal Land Act. The Act provided for the establishment of representative Land Boards and transferred all land-related functions of chiefs to these boards including policy formulation, land allocation, grant of customary rights, grant of land rights under common law, adjudication and land use planning (Adams *et al* 1999; Munshifwa 2002). In this way customary tenure systems in Botswana have been integrated with a modern and democratic system of land administration.

This study suggests that meaningful tenure reform for the customary lands of Zambia will partly depend on government adopting an approach that should put in place transparent and democratic land administration structures that are accountable to village communities. Relatively low-cost decentralised land administration structures are necessary (Bruce and Dorner 1982: 40). These Land administration structures should be established through an act of parliament and the rules governing the relationship between central government, local government, traditional authorities and the local community should be clarified. However, in so doing it is also important to take note of the fact that local land administration committees can also abuse their powers and behave as though they own the land. For example in South Africa abuse of power is common in Communal Property Associations (PLAAS/NLC 2003: 19). Communal land administration committees are also usually vulnerable to manipulation by the more powerful, wealthier and influential elite (Adams *et al* 1999; Peters 2002a). The current land law recognises customary tenure and chiefs as custodians but does not legally recognise village communities as owners of customary land. It is thus suggested that the land be vested within the people who occupy and work the land rather than in the representative structure. In this way the people will have democratic authority over the institution that represents them and the institution in turn will be responsive to the people it represents (PLAAS/NLC 2003).

It is important to note however, that currently on customary lands of Zambia chiefs control land, and it is one of their main sources of power. For this reason chiefs should not be left out of the land administration committee without representation otherwise disruptive new power struggles would emerge. This means national land policy should lay down how chiefs and headmen will operate as land administrators including a legal requirement for them to work with democratically elected officials from the village community. It is suggested that the law should strengthen the local Village Productivity Committees (VPCs) by democratising them and giving them clear powers to administer land rights on behalf of the village communities. In this way a village community participatory adjudication procedure driven by the VPCs can then ensure that conversion of tenure and land allocations to outsiders are not a direct threat to livelihoods of the local people. This is only possible when central government is willing to play the key role of supporting local land administration institutions (Cousins 2003a; Wily 2004). In the next section I discuss policy implications of the study findings with regard to land and natural resource rights at village and household levels. This is done with a focus on social differences along the axes

of gender.

#### **12.4 Land and natural resource rights: Gender relations**

Kinship in Kamena and St. Joseph is matrilineal and land in village territories is controlled on matrilineal basis. Chiefs or headmen who are usually the senior most matrilineal males on behalf of the village matrilineal core take village community level decisions about land. As a consequence, men and women outside the village core matrilineal descent group do not have access to land in the village on equal terms. They are regarded as guests of the village community and can only hold land at the pleasure of the chief or headman or through a wife or husband. At household level land is by tradition acquired and cleared by men for their wives, mothers, daughters and nieces. Thus generally land rights of women are acquired through husbands or male relatives.

The above points are also typical of most sub-Saharan African customary systems. They are often not egalitarian and access to and control of resources are differentiated according to gender in favour of men. As a consequence, most sub-Saharan women gain access to land only through their relationship with their male relatives (Lastarria-Cornhiel 1997; Pottier 1999; Ellis 2000; Wanyeki 2003; Palmer 2004). Such land rights are usually poorly defined, of uncertain duration and are dependent on maintaining good relations with others (Palmer 2004). As a consequence, land related livelihood issues, which affect women are as a result of the fact that their land rights are, influenced by their marital status, by the laws and practices of succession and inheritance and traditional rules of divorce and separation.

Further rural women's land rights are often inferior because they are subjected to customary institutions, norms and values, which in practice are patriarchal. For example in Kamena and St. Joseph male insecurity associated with uxorilocal marriage has reinforced the trend by men to settle in their maternal village. However a wife's land rights in her husband's village are often of uncertain duration in that they are subject to the maintenance of good relations with the husband and his relatives. In the event of a break down in relations, separation or divorce or widowhood a woman living in her husband's village is likely to lose her land rights (7.4.1 Chapter 7 and 9.4.1 Chapter 9). Because such land rights are of a temporary nature, there is little scope for long-term livelihood strategies.

The issue of women's inferior land rights has become particularly important in the context of the HIV/AIDS epidemic in Zambia. Better enforcement of women's rights to land and its inheritance could avoid burdening widows with conflicts over land that are likely to negatively affect their household livelihood. Women in most sub-Saharan African countries in particular also face these problems. Married women's access to land is subservient to their husbands and consequently life cycle changes such as widowhood, divorce, marriage residence create land access uncertainties for women and make them most vulnerable to dispossession (PLAAS/NLC 2003; Wanyeki 2003; Whitehead and Tsikata 2003; Tsikata 2003).

Rural women in Zambia are also disadvantaged by statutory land tenure. For instance the trend towards individualisation of tenure through conversion of customary tenure to statutory tenure reinforces the traditional male dominated control over land through registration of land rights in men's names. It erodes customary obligations and common property in crop fields and building sites for married couples. When rights are registered in a man's name, as is often the case, the joint customary land rights of a wife, which she enjoyed prior to conversion of tenure, are lost. At village level customary common property rights of women, including the right to collect wild edible vegetables, wild mushrooms, fuel-wood, thatch grass and other forest products are also neglected in favour of the individual statutory rights of the elite who are usually men (Chapters 7 and 9). Lastarria-Cornhiel maintains that under statutory land tenure it is common for rural African women to lose access or cropping rights while male household heads strengthen their hold over land (Lastarria-Cornhiel 1997: 1326). In South Africa formal law has also re-enforced the discriminatory nature of women's access to land. For example Permission to Occupy (PTO) certificate which is the most common land tenure document in communal areas can only be issued to men (PLAAS/NLC 2003).

Given this situation there is a need for adopting a more gender sensitive approach to land policy so that traditional practices and statutory provisions that discriminate against women can be addressed. This need is partly recognised by the Zambian government. However the government is again only focusing on shortcomings of customary tenure by observing that:



The current laws do not discriminate against anyone on the basis of gender. The Government has however recognised that women still lack security of tenure to land in comparison with their male counterparts. The reason for this lies in customary and traditional practices (Republic of Zambia 2000: 14).

Land policy must pay attention to the status of women both under customary law and statutory law. It is important for land policy to consider livelihood activities of rural women, especially that they are often largely dependent on the commons, which for instance in rural Zambia are under threat of appropriation by the elite. The question of how best to protect access to land and natural resources is largely dependent on democratisation of local land administration institutions and at the same time engaging issues of gender equity. Gender specialists seem to be divided on this issue. Some are in favour of reforming and strengthening customary law, while others reject this and instead advocate for women's land rights to be enshrined in statutory law (Whitehead and Tsikata 2003). Female lawyers for instance look to statutory law rather than customary law to address questions of access to land and security of tenure for women. They argue that both customary law and practice discriminate against women and enshrine male domination (Whitehead and Tsikata 2003: 90). However, although protecting women's land rights through the law is important, in practice realisation of such land rights in rural areas is a difficult matter. While the provisions of statutory law maybe favourable to women, the problem is with enforcement of such a law. As Hilhorst explains:

... ensuring implementation of women's rights within the village setting is one of the more intractable problems of "gender balancing" policies. Revisions of the constitution, land laws and other laws will not automatically change practices; law merely provides a framework within which rights and relationships are to be negotiated. A stronger legal status does not automatically afford women more independence but it may provide a stronger bargaining position (Hilhorst 2000: 195)

There are arguments that the problem of enforcement usually arises because of women's lack of awareness, and power, resistance from men in the village community, the fear of sanctions and indeed lack of political will by central government (Whitehead and Tsikata 2003). In addition even in instances where statutory law governs land relations, in practice customary law continues to determine land rights because local institutions that men have

traditionally dominated cannot be relied upon to protect and enforce women's statutory rights to land (Deininger 2003). Thus security of tenure for women is in this way threatened by customary practices that discriminates against women, inadequate protective legislation and the failure for village communities to observe provisions in law that are intended to protect land rights of women (Deininger 2003). This is aptly summarised by Butegwa as the 'inherent limit of law as an instrument for social change' (Butengwa 1991: 54 – quoted by Whitehead and Tsikata 2003: 92). However this also implies that statutory law can constitute an initial step within a broader process that includes education and capacity building that makes women aware of their rights.

For the customary lands of Zambia the current land policy challenge in respect of gender is to establish government supported local land administration committees at village community level, and to provide training for members on importance of gender equity. In addition there is a need for affirmative action in favour of women, by making them members of the village land administration committee to ensure that they contribute on land issues and settlement of disputes. If the intention is to reduce gender inequalities the findings in Kamena and St. Joseph and arguments presented in this section suggest that there is need to reform the institutional mechanism by which gender inequalities are reproduced in customary land tenure. Emerging land policy recommendation has indicated that dealing with inequality in land ownership means dealing with mechanisms through which gender inequalities are reproduced from one generation to the other. In particular the exclusion of women from land inheritance reinforces existing customary gender inequality in favour of men and requires to be tackled (Agarwal 1994a; Ellis 2000).

In conclusion, policy on customary land rights must be informed by a strong government commitment to securing land rights and livelihoods of individuals and households, gender equity, and a devolution and democratisation of land administration. However in order to ensure that potential benefits of devolution of land administration are achieved, it is important to pay attention to provision of information, training and government support to land administrators at village level. The successful development of a pro-livelihood land tenure policy aimed at establishing local and equitable systems of land rights administration for customary lands will require the full support and participation of central government, traditional leaders and village communities.

## **12. 5 Need for complementary livelihood measures**

Lastly in Chapters 5 and 6 it is made clear that rural households face serious limitations in respect to production and infrastructure in their social and economic lives. It is suggested that government action be required to deal with production and infrastructure constraints faced by rural households. Secure rights and access to land and natural resources by themselves are not going to ensure that rural livelihoods are promoted beyond subsistence levels. Evidence on livelihoods suggests that government take a central role in providing rural households with opportunities to enhance and diversify household livelihoods through provision of social and economic services. It is important to stress that land tenure reform by itself is not a complete solution to the production and livelihood problems of households in the customary lands of Zambia. This is simply because land tenure is not the only constraint on production from land based activities of households. Bruce and Dorner have aptly observed that development problems are not constrained by one variable and can therefore not be tackled by manipulation of one key variable, but by dealing with several related variables (Bruce and Dorner 1982: 40).

The sustainable livelihood approach (section 3.8.2, Chapter 3) stresses that the opportunities open to individuals and households are determined to a large extent by their asset status. This is in relation to land, physical assets, health, education, social networks, and financial capital (Ellis 2000). I have shown that in the two sites Kamena and St. Joseph most households are poor and have relatively few moveable assets. At national level poverty in Zambia is more prevalent in rural areas compared to urban areas (83 percent and 56 percent respectively) (Republic of Zambia 2002). Individuals and households strategize around several, combined livelihood activities including land-based and non-land-based activities. However in most cases household livelihoods are subsistence in nature or 'survivalist' and are characterised by uncertainty. Households have different amounts, and combinations of economic, social and cultural assets resulting in various livelihood outcomes with some households doing reasonably well and others not. Most households are vulnerable to natural and socio-economic shocks such as disease especially HIV/AIDS related, poor soils, poor cash crop prices, resource limitations (labour, tools, finances), agricultural input and output market problems, land and natural resource enclosures, and natural resource degradation on the village commons. HIV/AIDS exacerbates livelihood hardships of rural households by undermining the socio-economic viability of the household. Other livelihood limitations include poor road infrastructure, distant health and

education facilities.

Thus, if land tenure reform is not implemented in co-ordination with other agrarian variables it is bound to have little impact on people's production and livelihoods (Bruce and Dorner 1982: 40; Simon 1993: vi). Evidence in this study, clearly shows that household productivity and livelihoods are affected both by land tenure problems and by lack of supportive facilities to make individuals and households more productive. Land tenure reform should be an integral component of coherent programmes of rural development, which should result in increased productivity on rural land and reduction in rural poverty (Cousins 2003a). Thus apart from tackling problems that are related to land tenure, it is also important for government to create conditions that can empower rural households. In the light of the vulnerability context of Kamena and St. Joseph village communities these measures can include investing in agrarian services (roads, extension, improved access to inputs, training, marketing outlets), access to affordable credit, community based management of CPRs, literacy, education, HIV/AIDS prevention information, counselling, care, and support. As I pointed out earlier (see section 11.2, Chapter 11) there is a clear need for transforming structures at village community level (Scoones 1998; DFID 1999; Ellis 2000) to minimise the livelihood constraints on household livelihoods.

## **12. 6 Concluding remarks**

I have striven in this study to explore the role of land tenure in rural households' livelihoods. My focus has been on the changing socio-economic realities in respect of land rights of individuals and households living in the customary lands of Zambia. I have argued that government individualisation of tenure in rural Africa overlooks important socio-economic factors that affect how rural productive resources on customary land are accessed, used, and contested by individuals or households in support of livelihoods. The study has shown that customary land and natural resource rights underpin the livelihood activities of rural people in particular subsistence farming, cash crop farming and harvesting and processing of common property resources. Further there is no doubt that customary tenure systems provide reasonable security of land tenure, social and economic benefits to households and the village community, which must not be ignored by policy makers. When all constraints of livelihoods are considered in the village communities,

customary land tenure does not seem to be a main impediment to sustainable rural livelihoods.

Given these findings, it is important for government to recognise that land tenure reform in rural areas has a major impact on the rural population as a whole and not just the cash crop farmers who are often a relatively wealthier elite with access to productive resources. In particular it is important for policy makers to recognise the relatively high economic value and critical safety net role that common property resources play in rural livelihoods. For ordinary rural households and the poor equitable access and effective management of the commons is of critical importance. Thus, in order to attain more sustainable livelihoods a land policy which takes into account not only the land tenure security needs of cash crop farmers but also the land and natural resource rights of ordinary rural households in particular the poor whose livelihoods are most vulnerable is needed. In sum land policy should be informed by the whole socio-economic context of rural people's livelihoods.

In the absence of social security and non-agriculture employment opportunities land in rural Zambia is likely to remain an important livelihood resource for households for many years to come. However, the socio-economic changes brought about by the introduction of the market-oriented approach to the country's economy, the increase in commercialisation of land and natural resource transactions and the high degree of dependency for subsistence on land and natural resources present both livelihood threats and opportunities. These circumstances require that land tenure reform in rural Zambia must aim to secure land rights and common property resource rights of individuals and households to ensure sustainable livelihoods through guaranteed access and control.

It is important for the state to take a central role in ensuring that the land tenure adaptation strategy works by providing sufficient resources and a legal and land administration environment for the evolutionary change in customary tenure (Bruce *et al* 1994; Cousins 2003a). Government must be committed to secure land rights of rural households and village communities, gender equity and devolution and democratisation of land administration through strengthening of local structures and institutions in land administration. Further, government must also be committed to provide sustainable economic opportunities and good governance to households and village communities. It is a fact that land tenure reform is an onerous and time-consuming process, which calls

for public participation. The current Zambian Government land advocacy programme in which the Zambia Land Alliance is taking part is an opportunity to engage chiefs, headmen and village communities and other stakeholders on priority land policy issues.

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**APPENDIX A: Kamena and St Joseph: combined natural resources collection and cropping calendar**

Natural Resource collection	Months of the year											
	1	2	3	4	5	6	7	8	9	10	11	12
Thatch				■	■	■	■	■				
Broom Grass					■	■	■	■				
Wild Vegetables	■	■	■	■							■	■
Wild Fruit	■								■	■	■	
Mushroom	■										■	■
Caterpillar											■	■
Honey									■	■	■	
<b>Cropping tasks</b>												
Cutting of trees				■	■	■	■	■				
Pilling branches									■	■		
Burning										■		
Cultivation										■	■	■
Sowing/weeding	■	■	■								■	■
Harvesting			■	■	■	■	■	■				

SEASONS:                      ← Rain →                      ← Cold →                      ← Hot →                      ← Rain →

Source: RRA participatory calendar development (Kamena March 1999, St Joseph June 1999)