

Challenges and Opportunities for Rural Men and Women in Land Conversion Processes in Central Zambia

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Abstract

Zambia's Lands Act of 1996 provides for the conversion of land rights from customary to leasehold tenure by both Zambian citizens and non-Zambians. This study reports on land conversion processes engaged by rural men and women of Chongwe and Chibombo districts in central Zambia. Data was collected through 85 structured interviews with male and female residents in the two study areas and several key informants. Results show that 75% and 58% of the men and women interviewed had obtained customary land from their village head persons, and 31% and 42% had engaged in land conversion processes. Land conversions have resulted in increased employment opportunities for men; and tenure security for unmarried and widowed women. Ambivalence towards the loss of power by chiefs over subjects with titled land and paying property taxes to the state was evident in both men and women residents in the midst of more secure land tenure rights for their families. Retaining traditional leaders' authority in

the land conversion process perpetuates discriminatory practices against women and privileges village head persons and men while disadvantaging women. Land conversions are engendering changes in matrilineal inheritance patterns more favourable to landowners' children.

Keywords: Gender Implications; Tenure Security; Patrilineal; Matrilineal; Land Markets; Chongwe; Chibombo; Women's Rights

Introduction

Land is at the heart of social, political and economic life in most African economies, which rely heavily on agriculture and natural resources for a significant share of gross domestic product (GDP), national food needs, employment and export revenue (Toulmin, 2009). For the most poor in developing countries, land is the primary means for generating a livelihood and the main vehicle for investing, accumulating wealth, and transferring it between generations (World Bank, 2003). African land tenure

is typically marked by the existence of bundles of rights to a piece of land, and land rights often involve a series of overlapping claims. Overlapping interests in land allow individuals, households, and communities to access and even control different ecological niches, corresponding to tenure niches (Meinzen-Dick & Mwangi, 2009). Most African property regimes are notable in their multiplicity of interests and tenures on the same parcel of land; various members of the family (and the village) will often have socially recognised claims on different attributes (and products) of the same parcel of land (Bromley, 2008). This multiplicity of land rights has led some scholars to conclude that such land rights are tenuous and prevent large proportions of the population of many countries in the developing world from realising economic and non-economic benefits such as greater investment incentives, transferability of land, improved credit, and market access (World Bank, 2003). Many economists have argued that indigenous land rights in the Third World lead to insufficient resource allocation, although empirical evidence is mixed (see Benjaminsen et al., 2009; Holden and Otsuka, 2014; Sjaastad and Bromley, 1997; Tsikata, 2004; Umar, 2017). Inefficiencies are thought to arise because indigenous land rights are ambiguous, are communal, and are afforded insufficient protection in legislatures, resulting in tenure insecurity, which leads to inferior investment incentives, undersupply of credit, and constraints on efficiency-enhancing market exchanges (Sjaastad & Bromley, 1997). This is the view of the influential economist, Hernando

de Soto, who has been particularly influential in advocating for the formalisation of land rights to encourage investment, use titles as collateral, and facilitate market development (de Soto, 2000). This advocacy gave new life to the longstanding notion that customary tenure rights are insufficiently secure to promote optimal levels of investment in land use (Peters, 2009).

In response to this narrative, land formalisation programmes in various guises proliferated. From the late 1960s to the early 1980s, land policies promoted in Africa were premised on customary systems not providing the necessary security to ensure agricultural investment and productive use of land. Individual private property rights were often assumed necessary (Peters, 2009). Land titling is often considered a solution to the problem of weak investment incentives under tenure insecurity (Lovo, 2013). Critics of the land formalisation project have argued that registration of land rights through formal titling penalises holders of secondary land rights, especially women and herders, as these rights often do not appear in the lands register and are more easily dismissed (Toulmin, 2009). It was further observed that the *de Soto* approach did not recognise the complex and overlapping nature of property rights, the high risk for secondary rights holders of individual property titles, and the vital importance of communal resources to many rural dwellers. Women rarely have full land rights but must negotiate as secondary claimants through a male relative-father, brother, husband or son (Toulmin, 2009). Formalisation of land rights may effectively close avenues of access to land for women

through the price increases that invariably attend formalisations (Benjaminsen, 2002). Women's rights are often weakened in economic and political transformation because women are systematically disadvantaged in both the market and state-backed systems of property rights (Tsikata, 2003).

Zambia has followed a dual tenure system (leasehold and customary land tenure) since 1975 when freehold titles were abolished. Leasehold tenure is administered through statutory laws that apply to the entire country while customary tenure is administered through traditional authorities based on locally relevant norms and practices. As such, in a matrilineal tribe, a nephew will inherit his uncle's land rights whereas in a patrilineal tribe, it would be the son. Women would only be guaranteed use rights in both systems and never as heirs. This is contrary to national statutes that provide land ownership to both men and women.

Zambia has pursued land rights formalisation by enacting the Lands Act of 1996, which provides for the conversion of land rights held under customary tenure to leasehold tenure. The conversion process is supposed to proceed as follows: a member of the community with rights in a land parcel has to approach the village head person and make his or her intentions known. The village head person then conducts investigations to confirm the member's rights to the land earmarked for conversion before introducing them to the chief. The chief has discretionary powers to decide whether to permit to convert or not and issues a letter of approval when permission is granted.

This letter is then presented to the local authority, which processes the consent to convert and subsequently, forwards it to the Ministry of Lands for issuance of title (Government of the Republic of Zambia, 2005; Veit, 2012).

Both men and women can start the process of conversion as long as they have land rights and the community recognises that. However, since customary rules differ on how men and women may gain access and control over land, this differentiates their capabilities to access and control land and engage in land conversions. For women, this limits their individualised land ownership options. Ownership of land in this context refers to a situation where women effectively participate in decision-making pertaining to the use and alienation of land, while control of land means that a woman can decide on how the proceeds from the sale of land would be used (Gender in Development Division, 2005; Pelekamoyo and Umar, 2019).

Rights to customary land are obtained through conquest or first settlement, inheritance, marriage, residency and purchase. Two distinct inheritance systems common in Zambia are the patrilineal and matrilineal systems. In patrilineal systems, bloodlines and ancestry are traced through male relatives, while in matrilineal systems, they are traced through females. Of the 73 ethnic groups found in Zambia, 69 are matrilineal (Richardson, 2004). Customary law relating to inheritance in matrilineal systems provides that when a man dies, his primary heirs are his nephews (his sisters' children).

In contrast, in patrilineal systems, it is his sons who inherit. Women's access

to productive resources such as land is thus, primarily generated through male kin, particularly in patrilineal customary systems (Peters, 2009). While married, a woman enjoys the use of land belonging to her husband; while single, she has access to that of her father or guardian. Umar et al. (2020) noted many variations within family groups, tribal groupings and areas.

This has implications for how women access and control land resources (Gender in Development Division, 2005). Most of the customary norms and regulations for accessing land are discriminatory against women. In Zambia, official efforts to remedy the discriminatory inheritance patterns are evident in the Lands Act of 1996, which provides for both men and women wishing to convert their customary interest into leasehold being able to do so, provided they have obtained the approval of the chief and the local authority in which the land is situated. The law mixes the two legal systems, state and customary, and by so doing, engenders a duality that ‘allows a discriminatory system of customary law to govern the majority of matters affecting an ordinary citizen’s life’ (Richardson, 2004). We argue in this article that the duality of state and customary laws has brought about an ambivalence with regard to land conversions and brought to the fore the gendered contexts of land access and control in Zambia. We show through our case studies that customary inheritance systems and residency patterns, and other local norms continue to influence land access and control and mediate women’s ability to engage in land conversions. Because chiefs and village head persons have discretionary

authority over whose land rights are recognised, and local customs inform their bases for decision making on land rights recognition, some women are unlikely to be recommended for land conversions based on local customary laws and norms. For women who manage to get their rights in a land parcel recognised and consent given for formalisation to leasehold tenure, this ensures lifetime land tenure security. The process of acquiring title deeds from the state is the same for men and women. Still, due to the majority of women’s lower economic status, most of them are unable to follow the process to the end due to financial constraints despite the policy provision of having at least, 50% of title deeds offered to women (Government of the Republic of Zambia, 2021). We show that given their gender, women’s access and control over land in the study areas was contingent upon their age and marital status, with older and married women enjoying access to and more secure rights to larger land parcels and widows having the most tenuous land rights. We also argue that due to several changes that have resulted in land shortages, land inheritance patterns are changing with matrilineal systems increasingly taking on patrilineal nuances with children (sons and daughters) inheriting their parents ‘land.

The rest of the article is outlined as follows; the next section presents a brief overview of the two study areas, followed by an explanation of the methods sections. Results are then presented and discussed in the section after that, and the article concludes with a concise discussion of the implications of the study results.

Overview of the Study Areas

Nkomenshya and Bunda Bunda in Chongwe, and Mungule chiefdom in Chibombo district are the three chiefdoms from which fieldwork was conducted. Chongwe and Chibombo districts were chosen as study areas because of their proximity to Lusaka, the capital city of Zambia. The three chiefdoms are each governed by a chief (or chieftainess) based on traditional norms, practices and rules. The chiefs are aided in everyday governance by the village head persons and council of elders. Head persons are chosen according to the customs and traditions of each ethnic group or local traditional governance structure. A head person is appointed by the village council, which comprises the chief's relatives. The village head person is the local representative of the chief and reports directly to him in traditional governance matters affecting the village and coordinates matters of development with the village committee. Head persons are assisted in running village affairs by village committees. Village head persons appoint village committee members.

Village head persons play critical roles in governing customary land, following local customs on inheritance, and land rights. Nkomenshya and Mungule Chiefdoms are matrilineal societies. A residency practice is associated with each of these descendant practices. In a matrilineal system, the husband moves to the wife's village, while the wife moves to the husband's village in a patrilineal system. In neolocal systems, the couple chooses a new location different from their home location (Lovo, 2013). Households are mostly headed by men, who may be married to one or more wives. In polygamous

households, each of the wives have a house within the homestead while the man rotates among the wives' houses. Women headed households are of various types; widowed, separated, and single women head them. These are classified as *de jure* female-headed households. They are contrasted with *de facto* female-headed households, which are households headed by women whose husbands are temporarily away or have migrated for income-earning opportunities.

Smallholder farming is the dominant economic activity in the study areas and crop production includes maize (*Zea mays*), groundnuts (*Arachis hypogaea*), sweet potatoes (*Ipomea batatas*), Cassava (*Manihot esculenta*), cowpeas (*Vigna unguiculata*) and other crops. Livestock farming is important, with cattle, goats, and pigs being the most commonly reared livestock. Poultry is also common. Local norms dictate that all agricultural fields become communal grazing lands, and for this period, individual property rights are superseded by communal rights.

Methods

Fieldwork for this study was conducted in January 2013 and June 2014. Information was collected through group and key informant interviews with residents, village heads, and other community leaders. The main methods used to collect data included 85 semi-structured household interviews and focus group discussions (FGDs) with communities in which extension officers, headmen and head women and civic leaders (councillors), and men and women farmers participated.

The main issues that were discussed during the focus group discussions included the following: land use; settlement; land size; cropping systems; tenure conversion; traditional governance in relation to land; tenure security perceptions; land use and food security; investment in the land; non-farm income generation and gender relations in the land, food security and interventions. The group discussions were recorded and later transcribed. Individual researchers also took notes of the proceedings. Informed consent was obtained from all individual participants included in the study

Other methods included guided transect walks and observations around the surveyed communities. Secondary data was obtained through the review of literature relating to land tenure trends in other parts of Zambia and sub-Saharan Africa and on the conceptual framework. The study was designed to collect both qualitative and quantitative data. The quantitative data were analysed using the statistical software minitab (Minitab Inc, 2014), while the qualitative data analysis software QDA Miner 3.2 (Provalis Research, 2009) was used for qualitative data analysis.

Results and Discussion

Most men and women (78% and 75% respectively) indicated crop production as their main occupation. The women produced crops such as sweet potatoes, cassava, cowpeas, groundnuts and pumpkins (*cucurbit spp*) mainly for home consumption. They engaged in off-farm activities such as hiring themselves out as casual labourers on farms. This strategy was

considered to be a lucrative income-generating activity for women. Non-farm livelihood strategies engaged in by women were knitting clothes, brewing beer and joining women's clubs. Men engaged in income activities such as brick-making, charcoal production, plumbing, welding, and sand mining and also hired themselves out as casual labourers. A headman noted that wage employment benefitted men more than women because there were more income-earning opportunities available in sectors considered to be men's domain such as stone crushing, sand mining, plumbing, welding, and brick making. Concomitantly, relatively much less cash income was generated by women compared to men. This, the headman argued, could be linked to land conversions; it is on converted land that most of these businesses have been set up. Land conversions in the study area have thus, created different outcomes for men and women regarding employment opportunities. Due and Gladwin (1991) noted that because of inequality in gender relations and women's relative lack of power, women producers are not in a position to react with an economically appropriate supply response because they lack access to basic inputs of production that men have. Further, women have unpaid household duties that take them away from income-generating productive activities (Huyer, 2016).

Land Ownership, Access and Control

The percentage of men and women respondents who reported having accessed land through village head

persons was 75 and 58%, respectively. Over half (58%) of the men and 38% of the women-owned less than 2 hectares of land. Village head persons attested to allocating land to both men and women and reported that neither gender nor education level were considerations during land allocations in both study areas. These claims were confirmed by household interview respondents and focus group discussants. The men in the FGDs felt that village head persons allocated land fairly to both men and women. One of them surmised as follows: *'Any category of woman, whether single, widowed or divorced, can be allocated land by the village head person if in need'*. Another discussant noted: *'We asked for land from the village headman and we were allocated some land. We did not buy. Land is ours because we are Zambian'*.

The village head persons, however, noted that for a married woman, land is only allocated to her with consent from the husband. One village head man gave a reason for this practice, *'for a married woman, we ask her to bring her husband. If you allocate land to a married woman without the consent of her husband, it causes trouble'*. This suggests that married women can only access land through the traditional local authorities upon consent from husbands, but married men are not subjected to any such requirement.

Others accessed land through purchases and inheritances (30% of the men and 24% of the women). Only 9% and 13% of the men and women purchased their land. Thus, 11% of the women respondents had inherited land in their cognisance. According to

the focus group discussants, married women from households where spouses were in formal employment or had lived for very long periods in the study areas tended to own larger land parcels of up to 12 hectares while divorced, separated, widowed, single women (most of them young) tended to own an average of 0.25 hectares only.

De jure female-headed households dominate the households owning the smallest land parcels. This may indicate the propensity of village head persons to allocate smaller land parcels to such women and their much larger constraint in purchasing land on the open market. It was noted that married women and widows accessed their land rights predominantly through men. As observed by others (Farnworth & Munachonga, 2010; Villarreal, 2006; Women in Law in Southern Africa [WILSA], 2011), this indicates customary land rights that are skewed and heavily weighted towards men. Men controlled land in the three chiefdoms. There was consensus among the respondents and focus group discussants that children were the heirs to their parents' land. One discussant summarised this position as follows:

Land is in the hands of men and is inherited by children. A woman is not allowed to be an heir to land because she can remarry and go away to live with her new husband.

These sentiments reveal changes in local norms on inheritance and the continuation of old customs that especially prejudice widowed women. In matrilineal systems, nephews inherited a man's land rights, not his children. The inclination to directly transfer land

rights from parents to children in the two matrilineal chiefdoms symbolises a change in traditional inheritance practices and a consideration to exploring other options such as the bilateral inheritance systems that tend to be more gender-equal with regard to land and power relations (Gender in Development Division, 2005). The position of widowed women continues to be precarious. More detailed discussion on this are in later sections.

Land Tenure Security Perceptions

Married women perceived their land rights to be secure while their spouses were alive, whereas women in *de jure* female-headed households (widowed, divorced and single women) thought their land rights were insecure. Reports from all the FGDs and the household respondents show that in patrilineal systems, a married woman is not given to be an heir to land because if she becomes widowed she can remarry and is then expected to go live with her new husband. Therefore, allocated land is in the name of the husband, and it is inherited by the children. One village head person noted that preference is given to the sons as the daughters go away after marriage. Daughters are considered to be ‘in transit’, awaiting departure after marriage. The women discussants’ views on this practice are presented below:

- *A married woman’s land tenure security is impaired when the husband dies. Sometimes, the widow is chased if the man’s family is hostile to her.*
- *When my husband died, the headman said you stay on the land since you got the land together with your deceased husband. You also have rights.*
- *Widows are chased if they start bringing boyfriends into the village. Our tradition here does not allow a widow to remarry within the village of the late husband. But if a widower needs to remarry, there is no problem. Why not the same for the woman?*
- *A widow may be chased from the land in the village if she is of bad character e.g. if she is a prostitute, or if she brings a man into her matrimonial home. Then she has to leave the land for her children. She has to join the new man.*
- *If a wife has worked hard with her husband and is widowed, she is not allowed to remarry if she is to remain in her matrimonial home. This is not fair because a man is allowed to remarry in the same premises, that is, his former matrimonial home.*
- *When a married couple is allocated land, the man’s name is written in the register, so it is the man’s land.*
- *Widows are not expected to remarry and remain on the husband’s estate if the estate is in the man’s village. But if the estate was jointly acquired outside the man’s village, the widow can remarry and remain on the estate.*
- *As it is, I have even failed to visit my relations, fearing that if I do, upon my return, I will find that my land has been allocated to someone else.*

The above responses show that widowed women's land rights are precarious and their continued enjoyment contingent upon the goodwill of their late husbands' families.

Married women in matrilineal villages reported owning land jointly with husbands. They noted that this shared tenure meant that inherited land rights of married women in matrilineal systems were under threat because husbands assumed control of the resource (e.g. through clearing of land) and gradually replaced women's matrilineal rights. Women focus group discussants also reported land tenure insecurities resulting from the actions of village head persons. Village head persons were reported to be sub-dividing land that was previously allocated to women and re-allocating it to newcomers. This has led to reductions in land controlled by some women from 10 hectares to 2 hectares. This has reportedly, increased the tenure insecurity for most *de jure* female-headed households. There were also anecdotal reports of village head persons selling the same land parcel to as many as five different buyers. Other factors were cited for the insecurity of land tenure such as lack of clearly marked boundaries between individual, household and family homesteads and fields; increase in the population of the communities; outward expansion of Lusaka City and increasing demands for land by wealthy urbanites.

Outcomes of Land Conversions

Conversion of land rights from customary to leasehold tenure has been ongoing in both study areas. As both areas are in close

proximity to the capital city, demand for land from urbanites is very high. Land conversions are usually carried out by urban buyers, both Zambians and non-Zambians. Non-Zambians that purchased land commonly used it for commercial purposes such as the establishment of factories (tissue, oil and brick making), commercial agricultural production and commercial lodges. Such developments had created employment for locals, albeit more for men than women. Land acquired by Zambians was mostly, used for settlement and smallholder agricultural production.

In Nkomesha Chiefdom located in Chongwe, conversion of land tenure from customary to leasehold was prohibited but allowed in Bundabunda and Mungule chiefdoms in Chongwe and Chibombo districts respectively. Chieftainess Nkomeshya had issued a moratorium against land conversions. The dominant narrative was that land conversions entailed reductions in the total quantity of land belonging to the chiefdom and irreversible loss of control by chiefs and village head persons over their subjects. Traditionally, errant or delinquent subjects can have their land rights withdrawn and land grabbed from them by traditional leaders as long as such rights are held under customary tenure. With the acquisition of title deeds – which signify the end of the land conversion process - land administration is no longer subject to the whims of traditional leaders. Essentially, land conversions erode the control and power that traditional leaders exercise over their subjects. Traditional leaders that were interviewed were candid about their interpretations of

land conversions as representing a loss of power. A member of the council of elders for one chiefdom remarked as follows;

Customary land should remain in the hands of traditional authorities in order to retain respect for these traditional institutions because otherwise, our culture will be destroyed... those with title deeds are cheeky and insult village members and traditional leaders. They behave like village head persons in their own right.

Despite the prohibition of land conversions in Nkomesha Chiefdom, an informal land market has developed (See Chitonge et al., 2017 for detailed discussion). Land transactions were justified as happening because *'money is needed for building better houses or sorting out some pressing problems'* by many discussants. Village head persons were singled out as the main beneficiaries of ongoing land sales. Village head persons demand ZMW 1000 from every buyer as a condition for recording the name of the buyer into the village register, which serves as official recognition that the buyer has become a member of the village. Village membership is a prerequisite for owning customary land. Several members of Nkomenshya Chiefdom noted that some village head persons extort half of the proceeds from the sale of land from the sellers, who now tend to connive with buyers and under report land prices to such village head persons. Incidences of village head persons selling subjects' land were cited by several respondents. For instance, a widow narrated how a named village head man sold part of her land without

her consent. Out of the 35 hectares she owned, all was sold except for 5 hectares. Two women respondents reported having had eight hectares taken away from the ten hectares they had each owned. At the time of the study, they were in the process of converting their remaining land to *'help protect it'*.

This is in line with what Lastarria-Cornhiel (1997) observed, that land conversions lead to concentration of land in the hands of those who can successfully assert ownership to the detriment of the access and use by the poor rural women. The decision by Chieftainess Nkomenshya to disallow land conversions may be disproportionately affecting *de jure* female household heads who are more likely to have land taken away from them by village head persons and sold to wealthy urbanites who quickly develop the land to secure their claims over it. Despite the moratorium on land conversions, both buyers and sellers believe that it is just a matter of time before the chieftainess allows land conversions. This result also confirms assertions by others that markets in land exist in the absence of formal title (Chitonge et al., 2017; Nyamu-Musembi, 2006).

Some of the respondents, mostly, from Bundabunda and Mungule chiefdoms had engaged in the processes of converting parts of their land (Table 1).

Table 1 Land Conversion in the Study Areas

Size of land converted (ha)	% of men respondents	% of women respondents
0.5 - 1.0	4.4	13
1.1 – 2.0	14	14
2.1 – 3.0	13	15

Table 1 results suggest that more women respondents had converted or were in the process of converting their land than the men, especially for the smallest land sizes of less than one hectare. Attestations from the focus group discussants revealed that local women convert land with the assistance of husbands and children while educated women from Lusaka that had purchased land in the study areas had mostly, converted their land without any help. More than half (53%) of the respondents cited a lack of money as the reason for not having converted their land, among other reasons (Fig 1).

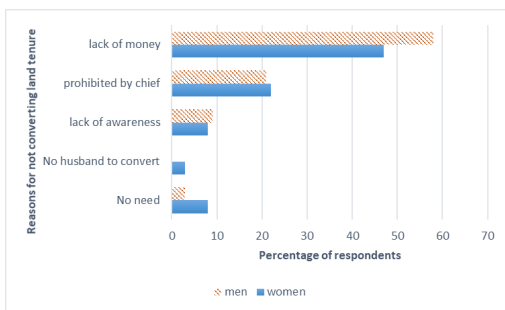


Fig 1 Reasons for not Converting from Customary to Leasehold Tenure

Acquisition of title deeds was identified by the focus group discussants as the only means of securing current land rights because ‘those with title deeds

become owners of the land forever and can sell a portion of the land to build a house or buy a vehicle’. The women saw it as a good opportunity to secure land free from the influences of cultural biases and escape the limitations and restrictions imposed on customary land by male-dominated family and lineage practices under customary tenure. Pelekamoyo and Umar (2019) similarly, observed that patrilineal land inheritance patterns favoured the acquisition of land by men in Eastern Zambia.

According to the patrilineal custom, upon marriage, the woman moves to her husband’s village where she gains access to his land. Unless she is from the same village as him, the woman does not bring any land into the household. It is implicitly known that the man has the final say over what happens on and to his land, rendering the woman’s decision-making authority over the land, limited. Pelekamoyo and Umar (2019) further observed that women have joint control over land when it is purchased by the couple during marriage. Independently purchased land is considered to be jointly owned and the couple is free to sell it if they so wish, without seeking approval from the clan. This is also the situation in the study area. Women deemed the process of tenure conversion to be costly and complicated. This is in line with assertions that conversions by common villagers were bureaucratic, complicated and pro-elite (Chileshe, 2005). The discussants also expressed displeasure at the perceived boastful and selfish behaviour of land owners that had secured title deeds, and the loss of power for traditional authorities.

- *We want title deeds but the administration of customary land should still be with chiefs. We do not want the issue of taking power away from the chiefs.*
- *Villagers with titled land refuse others to collect firewood from their land. They even fence it and stop post-harvest communal grazing by livestock, which is provided for by our local customs.*

Thus, while both men and women indicated they would be more secure with titled land rights than those accessed under customary tenure, they at the same time desired to remain under the authority of the traditional authorities who by the Lands Act (1996) have their customary authority limited to deciding whether to approve land conversions or not. Examples of such ambivalence is expressed in the sentiments below:

- *I would like to have title to my land so that it can be passed onto my children, but we are afraid of this power going to the State. It should remain in the hands of the chief.*
- *Vestment should be with the chiefs to retain respect for these institutions, otherwise, our culture will be destroyed.*
- *If land remains vested in the president and chiefs lose control, the government may bring investors and displace us.*
- *We obtained land freely but if we convert, we shall be required to start paying rates to the local authority and ground rent to the Ministry of Lands.*

Others defended customary land saying: *'We are happy on customary land. Those in town are individualistic but here people are humble. They fear witchcraft so there is social cohesion'*.

On being probed about villagers that had been evicted by traditional leaders, such pro-customary tenure respondents contended that only troublemakers are evicted, and only after all other avenues have failed. Some perceived land conversions potentially lead to dispossession and landlessness for locals. The results also show that 27% of men and 27% of the women respondents had been approached by urbanites seeking to buy land. They reported having turned down such requests for land sales based on not having any for sale. They explained that they feared continuous subdivisions and sales of land would lead to displacements and dispossessions of huge numbers of local people in the near future as most of them would have sold their land and may consequently be rendered landless and homeless. The fear of displacement brought about by the State controlling land as opposed to traditional leaders, essentially land conversion, has been observed elsewhere (Nyamu-Musembi, 2006).

Key informants observed that developments of land markets have also changed the power relations between spouses within households with men asserting their claims over land more strongly. This has also extended to clan members who assert rights in land parcels that are up for sale. These are as noted elsewhere (e.g. Cotula, 2007) factors such as demographic change, urbanisation, and commercialisation

of land relations push toward land management decisions being taken more and more at a household or even individual level. They also lead to land scarcity, and subsequently, to a redefinition of the land claims of different groups within the extended family (for instance, along gender lines), with weaker groups becoming more vulnerable to losing their land access.

Conclusion

The on-going land conversion processes in Zambia provide various opportunities and challenges for rural men and women. In the two districts of Chongwe and Chibombo, the actions of the chiefs have significantly affected the outcomes of the land conversion processes. In one chieftainship in Chongwe, the decision by the chieftainship to prohibit land conversions from customary to leasehold tenure has only served to promote informal land markets in which village head persons are selling off land already belonging to women household heads. The demand for land by nationals and foreigners for business has encouraged perceptions of severe land shortages and tenure insecurity. Consequently, most villagers now desire to enhance their land tenure security through the acquisition of titles to their land. This has engendered an ambivalence in that while both men and women appreciate the enhanced tenure security that attends land conversion, they are against what they perceive to be the loss of power over subjects by traditional authorities resulting from land conversions. Female-headed households have tenuous land rights in patrilineal

systems and stood to benefit more from land conversions although they are also ambivalent about the cost of title acquisition and taxes due to the state for all land held under leasehold tenure. The increased land pressure has also seen a dynamic in the inheritance systems with children, both sons and daughters, being named as heirs to their parents' land. Land conversions are thus, providing an opportunity for daughters to own land in their own right, and for sons to own their fathers' land under matrilineal systems. With land conversions, women are assured of retaining their land rights even in cases of widowhood. Men have more employment opportunities arising from new businesses set up on land purchased and converted to leasehold tenure by the business owners. Contrary to proponents that land formalisation programmes are avenues for unlocking access to capital (cf. de Soto, 2000) land conversions in the study areas have not spurred access to or demand for credit facilities for either men or women and was not mentioned as a benefit by any of them. Despite the provisions of the Lands Act (1996) for equality in land access, by having a proviso for traditional leaders' permission in the land conversion process, the state has left room for discriminatory customary practices to continue. These practices continue to disadvantage women more than men as under customary norms, married women need the consent of their husbands before any land can be allocated to them; while widows are still subject to dispossession by the very village head persons who are mandated

to argue their case before the chief during the land conversion processes. The outcomes of land conversions are thus, mediated by customary norms and values, proximity to large urban centres and the existence of local land markets. These present different implications for land conversions for both men and women, resulting from local customary practices at play.

References

- Benjaminsen TA. (2002). Formalising land tenure in rural Africa. *Forum for Development Studies*, 29(2), 362-366.
- Benjaminsen TA, Holden S, Lund C, and Sjaastad, E. (2009). Formalisation of land rights: Some empirical evidence from Mali, Niger and South Africa. *Land Use Policy*, 26, 28-35.
- Bromley DW. (2008). Formalising property relations in the developing world: The wrong prescription for the wrong malady. *Land Use Policy*, 26, 20-27.
- Chileshe RA. (2005). Land tenure and rural livelihoods in Zambia: Case studies of Kamena and St. Joseph. Western Cape: University of Western Cape.
- Chitonge H, Mfuno O, Lungisile N, Umar BB, Kajoba G, Banda D. (2017). Silent Privatisation of Customary Land in Zambia: Emerging Dynamics in Chibombo and Chongwe. *Journal of Social Dynamics*, 43 (1): 82-102.
- Cotula L, (Ed) (2007). *Changes in customary land tenure systems in Africa*. Hertfordshire: International Institute for Environment and Development; 2007.
- de Soto H. (2000). *The Mystery of capital*. Why capitalism triumphs in the West and fails everywhere else. New York: Basic Books.
- Due JM, and Gladwin H. (1991). Impacts of Structural Adjustment on African women farmers and female headed households. *American Journal of Agricultural Economics*. Vol. 73 (5), 1431-1439.
- Farnworth CR, and Munachonga M. (2010). Gender approaches in agricultural programmes- Zambia Country Report: A special study of Agricultural Support Programme (ASP). Lusaka: SIDA.
- Gender in Development Division (2005). Women's access to agricultural land in Zambia. Lusaka: Cabinet Office.
- Government of the Republic of Zambia (2021). National Land Policy. Ministry of Lands and Natural Resources. Lusaka.
- Holden ST, and Otsuka K. (2014). The roles of land tenure reforms and land markets in the context of population growth and land use intensification in Africa. *Food Policy*, 48, 88-97.
- Huyer S. (2016). Closing the gender gap in agriculture; *Gender, Technology and Development*, Vol. 20(2), 105-116.
- Lastarria - Cornhiel S. (1997). Impact of privatisation on gender and property rights in Africa. *World Development*, 25(8), 1317-1333.

- Lovo S. (2013). Tenure insecurity and investment in soil conservation. Evidence from Malawi. Working Paper No. 114. London: Grantham Research Institute on Climate Change and the Environment.
- Meinzen-Dick R, and Mwangi E. (2009). Cutting the web of interests: Pitfalls of formalising property rights. *Land Use Policy*, 26(1),36-43.
- Minitab Inc (2014). Minitab 17 statistical software. State College: Minitab Inc.
- Nyamu-Musembi C. (2006). Breathing life into dead theories about property rights: de Soto and land relations in rural Africa. Sussex: Institute of Development Studies.
- Pelekamoyo J, Umar BB. (2019). Access to and control over agricultural labor and income in smallholder farming households: A gendered look from Chipata, Eastern Zambia. *Journal of Gender, Agriculture and Food Security*, 4 (2): 42-57.
- Peters PE. (2009). Challenges in Land Tenure and Land Reform in Africa: Anthropological Contributions. *World Development*, Vol. 37 (8), 1317 -1325.
- Provalis Research (2009). QDA Miner Version 3.2. Montreal: Provalis Research.
- Richardson AM. (2004). Women's inheritance rights in Africa: The need to integrate cultural understanding and legal reform. *Human Rights Brief*. Vol. 11(2),19-22.
- Sjaastad E, and Bromley DW. (1997). Indigenous land rights in sub-Saharan Africa: Appropriation, security and investment demand. *World Development*, 25(4), 549-562.
- Toulmin C. (2009). Securing land and property rights in sub-Saharan Africa: The role of local institutions. In C. Toulmin and J. Quan (Eds), *Evolving land rights, policy and tenure in Africa*. London: DFID/IIED/NRI; 2009.
- Tsikata D. (2003). Securing women's interests within land tenure reforms: Recent debates in Tanzania. *Journal of Agrarian Change*, 3(1-2),149-183.
- Tsikata D. (2004). *Gender, land rights and inheritances. Securing women's land rights: Approaches, prospects and challenges*. Paper presented at Land in Africa Conference. November 8-9. London. Natural Resources Institute and Royal Africa Society.
- Umar BB, Nyanga PH, Chibamba D, Nchito WS. (2020). Women's empowerment, land and donor-driven agricultural interventions in Eastern Zambia. *World Development Perspectives*. Vol. 19, (2020). <https://doi.org/10.1016/j.wdp.2020.100208>.
- Veit P. (2012). Custom, law and women's land rights in Zambia. Focus on land in Africa, Placing land rights at the heart of development. Protection-for-women's rights-in Zambia. BRIEF.
- Villarreal M. (2006). Changing customary land rights and gender relations in the context of HIV/AIDS in Africa.

WILSA (2011). Final Strategic Plan 2011-2012. Women in Law in Southern Africa.

World Bank (2003). Land policies for growth and poverty reduction, A world bank policy research report. London: Oxford University Press.