

# **LAND GRABS IN ZAMBIA**

*The case of Chaampa village in Mumbwa*



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## Mumbwa Land Grab Case in Zambia

This case depicts a conflict between 75 Households of Chaampa village and Mumbwa District Council over a decision that was taken by the Council to extend the township parameters to the east, by 6 Kilometres. The process of acquiring the said land, although legally done, lacked true and honest consultations between the affected families, their leaders and the council Officials. As a result about 2500 hectors of agricultural land belonging to Champa Village, was grabbed, and converted into plots for residential houses, thereby threatening to displace the entire village and wipe it out of the district map and disrupt the livelihoods of all the families.

### 1.0. History and Background

Mumbwa District council is situated 139 Kilometers from Lusaka and has a population of 218,328<sup>1</sup> with 50% of the population shared between women men. The town is situated in Central Province of Zambia and is primarily occupied by communities who depend on Agriculture for their livelihoods. The township itself is the administrative centre of the district and has a hospital a secondary school and shopping centre. There are no industries to support the livelihoods of the inhabitants of the town itself. The local cotton ginning factory situated far from the town centre is at the moment struggling to survive due to declining production of cotton among the local farmers. And so the industry does not employ any more than 200 people. Most of the people who live near the town are marketeers, civil servants or workers in the shops and businesses operating in the town area.

A small stream that passes through the eastern side of the town centre provides the town's only natural resource that is sustaining the current population's water needs. Although some people living in the townships around the town centre have boreholes, these are few and privately owned.



The Mumbwa land grab case began at the time when the Mumbwa District Council thought that it was running out of land to allocate to people who were applying to build residential houses within its boundaries. The only land that was available belonged to the Headpersons and the Chiefs. So, the Council approached the local Chiefs in the area and persuaded them to release some of the land that they had. Details of the discussions that took place between the Chiefs and the Council, in 2009 has, up to now never been revealed to anyone. But, the Council went ahead and requested the Ministry of Lands to convert the *customary*<sup>2</sup> land into *state land*<sup>3</sup> and also presented

<sup>1</sup> CSO, Zambia Population and Housing Census 2010

<sup>2</sup> Customary land is land occupied by people living in rural areas organised as ethnic groups in villages. They own this land as inherited from their ancestors. The land is administered by Headpersons through their clans and the Chief.

<sup>3</sup> This land was inherited by government from the colonial government and was alienated by white settlers for their use as farms or towns where they lived. In Zambia this land was known as crown land and can only be held under lease for 99 years.

the development plan to the Ministry of Local Government and Housing who approved it. All these developments were done without discussing the matter with the village Headpersons whose land was to be taken away. This was possible because the Council used the 1995 Lands Act that require concert of a Chief to convert customary land into state land.

In 2011, the Council organised a meeting for 23 headpersons whose villages were targeted and situated in the area the council had earmarked for the development. The headpersons, during this meeting were told that the Council had found a developer who was interested in building 1500 residential houses and was going to give the Council 148, billion Zambian Kwacha for the same. All the headpersons who attended this meeting refused this proposal because it meant that they had to surrender land belonging to all the three villages that were involved and the villages themselves would cease to exist. These villages are;

- Kapopwe Village with 100 Households
- Nsenga Village with 39 Households
- Kasondela Village with 63 Households
- Chaampa village with 75 Households

Since the Headpersons refused to the proposed land grab at this meeting, the matter was referred to Chief Mumba whose chieftom the villages belong. At this meeting, the Council Officials could not reveal the name of the organisation that was interested to fund the proposed project and actually confirmed that with the implementation of the project, the three villages would be wiped out of the map of the district completely. They would no longer exist. During this meeting, the Chief said nothing and in the final analysis it was left to the council to negotiate with each individual Headperson to determine whether they could get land from them or not. The council managed to get land from Nsenga, Kasondela and Chaampa villages. Kapopwe headperson refused and so no land was allocated to the Council in this village.

Before the project was executed, the people who were to be affected were promised 40m by 50m plots, *on their own land* to, according to the council, enable them build modern houses. In addition, they were to be paid K1000 (US\$142) as compensation to help them mould bricks. The Council also promised to provide 1) 40 iron sheets for roofing, 2) 40, 50kgs pockets of cement, 3) 4 loads of sand



Figure 1: Roads destroyed fields for individuals;  
Picture, by Eugene; 2014

4) 4 door frames and doors 6) timber and nails for the houses that would be built. There was no consideration of how these people would be surviving in this new situation the Council was creating.

Between 2010 and 2012, the council surveyed the Chaampa village and constructed roads and pegged beacons on what used to be agricultural fields, graveyard and Chaampa people's homes. About 1500 plots measuring 40 x 50 metres were demarcated and advertised countrywide for anybody with money to buy.



Figure 2 Beacon is seen on remains of what used to be a house: Picture by Eugene, 2014

The Chaampa people were not allowed to cultivate and grow any crops on the land although livestock was still grazing in the area. As a result of the adverts, most of the plots were allocated and sold at about 7000ZMW to other people other than the original owners. Unconfirmed reports say that Council Officials and some headpersons who were beneficiaries to numerous plots on the Chaampa village land later resold the same plots to other people at a much higher fee thereby raising their own personal funds.

## 2.0. The Effects of the Alienation

This action alienated 2500 hectares of land which was used by the community for mixed cultivation thereby displacing 75 households from Champa Village. It has deprived the people of their agricultural fields and grazing areas for their livestock as a result, they have nowhere to grow their crops and graze their livestock. By 2014, families had not been growing any crops for their families to survive. Poverty among the people has set in and they have been experiencing difficulties accessing medical care and supporting their children to go to school.



Figure 3 Graves for the royal family turned into plots; Picture by Eugene, 2014

There has also been a breach of people's ancestral connection as plots were demarcated and beacons put in community grave sites in the area. The value of this connection and other social connections people enjoyed living on this land are difficult to value in monetary terms and have been disrupted.

The other issue is that Champa Village status has been affected and altered forever because the entire village which

was fully established in 1947 has been enclosed by the council and people who are coming from all-over Zambia and have bought land belonging to the inhabitant of the village. This marks a loss of Identity for these people. On the Zambia National Registration Card, the name of the village one is connected to by birth is indicated. The wiping out of Chaampa Village from the map of Mumbwa means that all the people who bear the village name on their Identity Cards will belong to a village that does not exist.



Figure 4 wondering why their fields are to be transformed into housing estate

Some of the affected villagers believe that their constitutional right to own and control land has been breached. They are demanding that the land be returned to them to restore their dignity. They know that section 7 of part (ii) of the Zambian Land Act of 1995 and Article 16 of part (iii) of the constitution makes provision for protection against compulsory deprivation of property by state or any local leader. In fact, under customary law, land is not to be sold

because it does not belong to individuals, it belongs to the clans. Headperson are clan members who, in the first place are not allowed to give out land without the permission of the clan. Due to pressure from the council, these considerations and authority of the clans and Headpersons over land have been lost.

### 3.0. Reactions by the Affected Community



Figure 5 She has been living here for 80 years. Why should she move?

In reacting to this situation, the Chaampa community and the royal family was divided. Two of the members of the royal family agreed to give the council land while the majority refused. Headperson Chaampa using his powers as head of the village decided to offer the land of the whole village to the council. According to the Chaampa community, in demarcating the land, the council went beyond what was agreed would be the boundary. What the people did not know

is that the council had already obtained consent for all the land belonging to the village to be de-gazetted. Some of the members of Chaampa village opted to allow the council acquire their land thinking that the compensation would be enough to sustain their livelihoods. The other members of the royal family helped by their uncle, Alfred Mufwepa, from Mufwepa village, decided to take the matter further.

The Village Headperson was met and taken to task by the committee from the royal establishment, his own relatives, on why he agreed to surrender their land to the Council. The village headperson refused to cooperate and so the members of the royal family went to the senior headperson Shiwezwa. It was established that the headperson for Chaampa village was wrong to have proceeded to offer land without consulting all the people in the village. The royal family then demanded for the resignation of the headperson but after some protracted discussions, the two factions decided to reconcile. This however did not help matters as the Headperson continued refusing to cooperate



Figure 6 Losing land is painful: Picture by Eugene: 2014

with his own family. The matter was then taken to the Chief where members of the royal family numbering 21 demanded for the headperson's removal. The Chief was protective of the headperson and advised that the matter be taken back to the village and be resolved there. This could not happen as the headperson continued refusing to discuss the matter. The affected people suspect that corruption took place as a result their cries and complaints were falling on deaf ears.

When the effort to resolve the matter at the village could not work out, the senior headperson wrote a letter to the Chief letting him know that headperson Chaampa was no longer wanted by the members of the village. On 29<sup>th</sup> July 2013 the Chief visited the village. He took the village register and threatened to dissolve the village. He further warned all those who were against the village headperson. When this failed to yield any

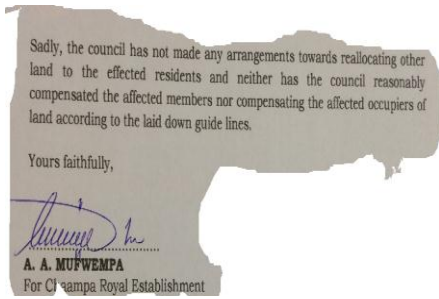


Figure 7 Part of the letter by Mufwempa to the District Commission

result, 9 members of the royal committee decided to seek audience with the Mumbwa District Commissioner (DC). They explained the nature of the problem to the DC. The DC referred the team to the Council Secretary who also began threatening the team and instead praised the headperson for having surrendered a large piece of land to the Council. He denied the accusations that the Headperson was given money by the Council. When nothing was resolved, the team went back to the DC who called a meeting where the Police Officer

in Charge, Office of the President and Director of Works were present. It was established that the Council was wrong to exceed the boundary beyond what was given to them. The meeting urged the Council and the village leaders to solve the problem. The Council Secretary came to the village. Although Mr. Mufwempa was given authority by the DC to help the community resolve the matter with the Council, he was avoided. However, an inspection of the land was ordered by the Council Secretary and Mr. Banda went in the field and established that the headperson actually gave the Council the piece of land beyond the agreed boundary. Mr. Banda found that plots had already been demarcated and sold. It was also revealed that the headperson preferred money to building him a house. Out of the 200,000ZMW the headperson was promised, 18,000 had already been paid to him. The family members demanded that this money be shared, but the headperson refused.

There is now confusion in the village which has not helped the affected people. The royal committee and the village productive committee that was established are not recognised by the Headperson who apparently has his own people that he works with. It was at this point that the affected people decided to engage the Catholic Commission for Justice and Peace (CCJP) to resolve the matter.



Figure 8: Beneficiary building a foundation on Chaampa village: 2914

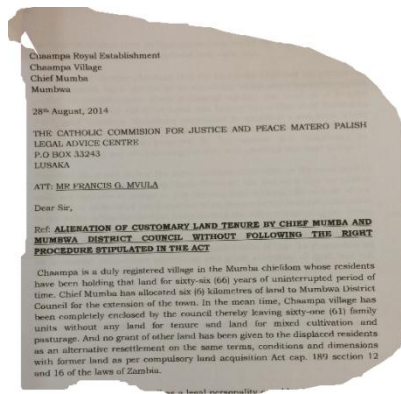
The villagers claim that out of ignorance and intimidation by the Council and the Headperson they opted to accept to sell their land and sign the contractual forms given to them. They feel cheated especially that the Council and its Officers were making money out of their land by selling plots more than 10,000ZMW each.

#### 4.0. Current Situation

Currently there are no farming activities taking place on this land to sustain the affected families, as their land was all surveyed and demarcated as plots measuring 50 x 40m each. Some of these have already been sold to potential land grabbers. The pending and promised relocations have not materialized and made the affected families to grow nothing for the past 4 years now. As a result, they cannot afford to buy staple food – maize because they have no money to do so. Those who were given the so called compensation money used it to buy food which means that they were not able to build their houses. To make matters worse, some of the houses were demolished by the Council.

This so called development project has created poverty in the area by denying agricultural land to the owners of the land for 5 years now! The affected people have been transformed into township dwellers, doing nothing, from being food producers with ability to sustain themselves.

## 5.0. Role of the Church



Caritas Zambia, working with the Catholic Commission for Justice and Peace in the Archdiocese of Lusaka was conducting sensitisation meetings in Mumbwa district on land and human rights during the month of August 2014 when this case was reported. The community expressed concern over how they were being treated and forced to sell their agricultural land to the district council by their local leaders, for the purpose of extending the Mumbwa Township.

CCJP paralegals went to the site in Mumbwa and interviewed the affected families and the District Council Officials. This was

meant to collect factual information of the case which was reported to them earlier on. The information gathered included copies of the sales contracts, development map of the area and other related documents. The signed contracts revealed how much each individual was to get as compensation for their land and also how many hectares the person was selling to the council.

Furthermore, letters to the Council, seeking clarification of this matter were written and a meeting with the Council and the affected people where further discussions were done, was held. At this meeting more documents, pertaining to various meeting that were held between the Council and the affected people were collected for further scrutiny and study.

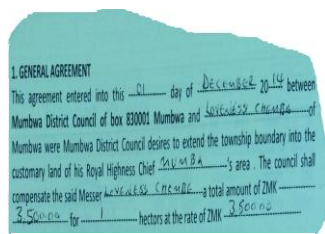


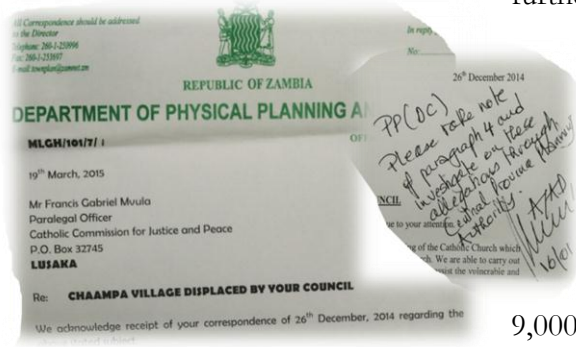
Figure 9: Part of the contract signed between the council and the owner of the land

At the last meeting which was held between the Council and the Chaampa people, mediated by CCJP paralegals, it was agreed that the Council increases the compensation to each individual that was affected from the previous amount of 3,000ZMW to a reasonable amount the affected people demanded. At the same time, the people demanded that another piece of land be found for them where they would move as a village and not just individuals. The new place must have water, roads schools and health facilities. Failure to meet these demands, it was

agreed, the people will remain on their land. Those who already bought plots from the land and were constructing houses were to be stopped from doing so. However, those who had reached roofing level were allowed to complete. The situation was expected to remain so until the matter of compensation were resolved.

By the end of October, the Council had not done anything. The letter which was written by CCJP to the Permanent Secretary, Ministry of Local Government and Housing resulted in the Ministry ordering an inquiry into the matter. The inquiry which was done by the Provincial Planning Office, established that indeed graves were tampered with and the Council did not follow what was previous

agreed on in acquiring the said land. A letter, it is believed was written to the Council to stop any further development in Chaampa Village. The Council



was to concentrate on Nsenga and Kasondela villages. During the last visit to the area, the CCJP team found that the Council had created roads in Nsenga village and demarcated the whole place into land into plots. The community there again was not happy although the council was promising compensation of 9,000ZMW.

### 6.0. Lessons for the Future

This case has revealed the fact that cash strapped councils not only in Mumbwa but also in other districts in Zambia have turned to selling land to raise their administrative finance and also benefit individual Council Officers and elected local government leaders. This is done at the expense of poor people who live and depend on customary land, which is normally targeted for grabbing. Councils should find other ways of raising funds other than selling land.

The meaning of development for many people, including technocrats does not take into account environmental concerns and is confused with modern modernization. For example, replacing agriculture and crop production with housing estate is a sure way of creating poverty in rural communities. How can people who may stay in modern houses survive when they have no employment and cannot produce anything to eat because their means of production-land has been taken away? Urbanization of rural communities is a misplaced idea of promoting integral human development. Rural communities without land have no livelihood at all.

Community education on land laws and administration guidelines is necessary for their empowerment. This will enable them confront challenges associated with land grabs and most importantly defend their right to land ownership and use.

### 7.0. Practical Strategies for Future Actions

Practical strategies for future actions on such matters will include;

- Advocacy strategies for pro-poor land policies need to be developed and implemented.
- Conscientisation of communities on their land rights is necessary.
- Advocacy for development initiatives and programmes that are environmentally friendly should be enhanced if climate change has to be reversed and allow nature to restore itself.
- Capacity building of Justice and Peace actors to defend the land rights of the poor and vulnerable people.
- Networking with other organisations involved in promoting land rights
- Lobby world and regional bodies to develop guidelines for large scale acquisition of land (UN, AU, etc)



- Advocated for the banning of land grabbing because it impoverishes the poor and makes them land less. New ways of engaging investors where land owners whose land is targeted for investment should still return ownership of their land, should be developed.

## **8.0. Other Concerns**

The Mumbwa expansion project raises questions on the wisdom of creating 1500 housing units in a place where there is no economic activities that can support a sudden increase in the population as a result of people who bought plots from all over Zambia. Encouraging people to live in urban areas add pressure on the need to provide services such as water, hospitals energy

Replacing agricultural land and forest with housing estates where no industries and sources of employment are unavailable.