



STRENGTHENING LAND-BASED INVESTMENT GOVERNANCE IN ZAMBIA

“Exploring the Role of Traditional Land Tenure System”

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AUTHOR CONTRIBUTIONS

Freeman C. Mubanga played a central role in the development of this manuscript. As the principal researcher, he led the research effort, conducted data analysis, and took on the responsibility of meticulously crafting the manuscript. His contributions encompassed the entire research process, from conceptualization to the final editing of the document.

Jennifer Mwanangombe made significant contributions to the study by taking the lead in data collection. Her role involved organizing and conducting interviews, focus group discussions, and surveys, ensuring that the research gathered diverse and representative perspectives from the field.

Maggie M. Mwape contributed to the quality and rigour of this manuscript by serving as a diligent reviewer. Her critical evaluation and feedback played a crucial role in refining the research findings and ensuring the coherence and clarity of the final document.

Collectively, the authors collaborated in their respective roles to bring this research to fruition, reflecting a multidisciplinary effort that enriched the study's depth and breadth.

NOTE TO THE READER

In recognition of its scholarly contribution, this research paper was accepted for presentation at the [Conference on Land Policy in Africa \(CLPA-2023\)](#) by the Scientific Committee. Presented at the CLPA-2023 held at the African Union Headquarters in Addis Ababa, Ethiopia, in November 2023, this study delves into a comprehensive analysis of land-based investment governance in Zambia, with a specific focus on the traditional land tenure system.

The paper systematically addresses the challenges and opportunities associated with land-based investments, elucidating pathways to strengthen governance mechanisms that foster sustainable development and equitable outcomes. Furthermore, it scrutinizes the pivotal role played by Zambia's traditional land tenure system in shaping these dynamics, thereby contributing valuable insights to the discourse on effective land policy in Africa.



ABSTRACT

Zambia's abundant natural resources, fertile land, and strategic location have made it an attractive destination for land-based investments. While these investments have the potential to drive economic growth, create employment opportunities, and enhance food security, they also raise concerns about potential social, environmental, and economic impacts on local communities, particularly in regions governed by the traditional land tenure system. This manuscript presents a comprehensive analysis of land-based investment governance in Zambia, with a specific focus on the traditional land tenure system. Historically, this system has been pivotal in managing and allocating land resources, emphasizing communal ownership and land-use practices. However, as Zambia's economic dynamics evolve and land demands increase, it is crucial to assess the system's adequacy in safeguarding the rights of local communities and attracting responsible investments.

The primary purpose of this research is to enhance the management of land-based investments in Zambia, with a particular emphasis on the traditional land tenure system. The ultimate objective is to establish a robust framework that facilitates responsible and sustainable land use, resulting in equitable socioeconomic progress and environmental conservation. The study endeavours to tackle the obstacles and possibilities associated with land-based investments and foster an environment where local communities and investors can flourish collaboratively. The research objectives include assessing the efficacy of the traditional land tenure system, identifying the challenges and opportunities in land-based investments, examining the perspectives of communities and stakeholders, offering practical governance recommendations, and advocating for sustainable development and social integration, especially for marginalized populations.

The study employed a mixed-methods approach, combining qualitative and quantitative data collection techniques. Primary data was gathered through interviews, focus group discussions, and surveys conducted in diverse communities and among key stakeholders. Secondary data from official reports, academic papers, and policy documents supplemented the analysis. The selection of study sites and participants followed a purposive sampling strategy to ensure representation and diversity. Data analysis involved thematic analysis for qualitative data, identifying recurring themes and patterns, and statistical techniques for quantitative data. A triangulation approach integrated findings from both data sources to provide a comprehensive understanding.

The study's findings affirm the historical significance of Zambia's traditional land tenure system while revealing challenges in adapting it to modern investment needs. These challenges include insufficient land-use planning, weak land administration, and unclear land rights, resulting in conflicts between local communities and investors. Vulnerable groups, particularly women and marginalized ethnic minorities, were found to be marginalized due to a lack of safeguards and meaningful consultations.

Opportunities for strengthening governance were identified, including enhanced land use planning, secure land rights through transparent processes, meaningful community participation, and robust social and environmental safeguards. Overall, the research underscores the critical importance of strengthening land-based investment governance in Zambia, emphasizing responsible and sustainable land-based investments that benefit all stakeholders while safeguarding the rights and interests of local communities within the traditional land tenure system.

Keywords:

Land tenure, Land-based investment, Land rights, Land governance, and Safeguards.

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KEY TERMS AND DEFINITIONS

1. **Land-Based Investments:** Investments in agriculture, forestry, mining, or real estate that are reliant on the use of land resources.
2. **Traditional Land Tenure System:** A customary land ownership and management system based on indigenous practices and communal ownership.
3. **Land-Based Investment Governance:** The framework of policies, practices, and regulations that guide the allocation, utilization, and management of land resources for investment purposes.
4. **Sustainable Development:** Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
5. **Social Inclusion:** The process of ensuring that all individuals and communities, including marginalized groups, have access to and benefit from the opportunities, resources, and services available in society.

I INTRODUCTION

I.1 Context and Background

The current context of land tenure systems in Zambia reflects a complex mosaic of statutory, customary, and traditional arrangements governing land ownership, use, and allocation (Resnick, 2019). This coexistence of diverse land tenure systems is emblematic of Zambia's rich socio-political history, shaped by a blend of indigenous practices and colonial legacies (Chimhowu, Hickey, & Kanyongolo, 2016). Among these systems, the traditional land tenure system stands out as a cornerstone of land governance, deeply intertwined with Zambia's cultural heritage and agricultural economy.

In recent years, Zambia has witnessed a surge in land-based investments driven by its strategic geographical location, fertile land, and abundant natural resources (Mwansa, 2019). These investments span various sectors, including agriculture, mining, infrastructure development, and renewable energy, offering the potential to catalyze economic growth, generate employment opportunities, and enhance food security (Mukumbuta-Mwale, Qaim, & Sauer, 2018). Consequently, Zambia has become an attractive destination for both domestic and foreign investors eager to harness the opportunities presented by its land resources.

However, the significance of these land-based investments extends beyond economic prospects. They have ignited critical debates and raised pertinent concerns regarding their potential social, environmental, and economic impacts, particularly in regions governed by the traditional land tenure system (Hichaambwa, 2020). These investments hold the promise of prosperity, but they also bring complex challenges that necessitate thoughtful governance and management. Balancing the interests of investors, local communities, and the broader national development agenda within the context of evolving land tenure systems is a pivotal task (Chimbuya & Murisa, 2019).

As Zambia grapples with the challenges of modernization and economic growth, understanding the historical and cultural importance of the traditional land tenure system is vital. Historically, this system has been pivotal in managing and allocating land resources, emphasizing communal ownership and customary land-use practices (Lungu K. D., 2018). It has underpinned Zambia's agrarian economy and socio-cultural fabric, ensuring that land is utilized for the collective benefit of local communities (Mudenda C. , 2020). This communal approach to land ownership reflects the deep-seated values and traditions that have shaped Zambia's societal structure.

In this evolving landscape, there exists a research gap concerning the adequacy of existing land governance structures to effectively manage and regulate land-based investments in Zambia. This study aims to fill this gap by comprehensively exploring and enhancing land-based investment governance, with a particular emphasis on the traditional land tenure system.

I.2 Research Gap and Objectives

I.2.1 Research Gap

The research gap that this study aims to address is the limited comprehensive analysis of the governance of land-based investments in Zambia, specifically with a focus on the role of the traditional land tenure system. While there is a growing interest in land-based investments due to Zambia's strategic location and abundant natural resources, there is a lack of in-depth research that systematically examines the challenges and opportunities associated with these investments within the context of the traditional land tenure system. Previous studies have touched upon aspects of land

governance and investments, but a holistic analysis that considers the historical, cultural, and contemporary dimensions of the traditional land tenure system is currently missing.

1.2.2 Objectives

The overarching goal of this study is to comprehensively analyse and enhance the governance of land-based investments in Zambia, with a specific emphasis on the role of the traditional land tenure system. The study seeks to provide a nuanced understanding of how this traditional system can be leveraged to promote responsible and sustainable land-based investments that contribute to equitable socioeconomic development and environmental preservation.

1.2.2.1 Specific Objectives:

1. **Assess the Adequacy of the Traditional Land Tenure System:** This objective entails a rigorous evaluation of the historical and contemporary role of Zambia's traditional land tenure system in land resource management, ownership, and allocation. It seeks to determine the system's effectiveness in accommodating modern economic demands while safeguarding the rights of local communities. By conducting a thorough analysis, this objective aims to identify strengths and weaknesses in the existing system.
2. **Identify Challenges and Opportunities in Land-Based Investments:** The second objective aims to systematically identify and analyse challenges and opportunities associated with land-based investments in Zambia. This includes their social, environmental, and economic implications. This objective will examine the effectiveness of existing policies and practices governing land-based investments, shedding light on potential areas for improvement that can inform subsequent recommendations.
3. **Analyse Community Perspectives and Stakeholder Involvement:** The third objective seeks to gather insights from local communities, key stakeholders, and experts to understand their perspectives, concerns, and aspirations regarding land-based investments and the traditional land tenure system. It will assess the level of community and stakeholder involvement in decision-making processes related to land-based investments.
4. **Develop Practical Recommendations for Strengthening Governance:** Synthesizing findings into evidence-based recommendations encompassing best practices and policy innovations is the focus of this objective. It aims to provide an actionable roadmap for policymakers, investors, and communities to strengthen land-based investment governance, thereby fostering sustainable development and equitable outcomes.
5. **Promote Sustainable Development and Social Inclusion:** The fifth objective underscores the importance of promoting sustainable development within the realm of land-based investments. It emphasizes the inclusion of marginalized groups, such as women and ethnic minorities, in land resource management and decision-making processes. Additionally, this objective advocates for the inclusion of robust social and environmental safeguards to mitigate adverse effects and promote sustainable outcomes.

1.3 Significance of Traditional Land Tenure System

The traditional land tenure system in Zambia holds a profound historical and cultural significance that has left an indelible mark on the nation's societal fabric for generations. This communal approach to land ownership is deeply rooted in the values, traditions, and social structures that have been integral to Zambia's development. This research delves into the historical and cultural importance of the traditional land tenure system in Zambia, highlighting its role in preserving cultural heritage, ensuring historical continuity, maintaining social cohesion, and fostering a collective identity.

1.3.1 Preservation of Cultural Heritage

One of the most significant aspects of Zambia's traditional land tenure system is its role in preserving the nation's rich cultural heritage. Under this system, communities have been able to safeguard their ancestral lands, which are closely intertwined with their cultural practices, rituals, and historical narratives (Chirwa, 2018). These lands serve as living testaments to the diverse cultures that make up Zambia, allowing communities to continue their customs and celebrate their unique identities. Historically, land has not merely been a physical asset; it has been a repository of cultural identity. The ties between land and culture are so intertwined that land is often seen as a repository of a community's soul and history. Each piece of land holds the stories of generations past, making it an integral part of Zambia's collective memory (Phiri, 2017)

1.3.2 Historical Continuity

The traditional land tenure system has also played a pivotal role in providing a sense of historical continuity to Zambian communities. By anchoring communities to their ancestral lands, this system fosters a profound connection to their forebears. Land, under this system, is more than just a piece of earth; it is a conduit to the past, a tangible link to the ancestors. It symbolizes the enduring traditions of Zambia's diverse ethnic groups, reminding them of where they come from and who they are (Phiri, 2017). This sense of historical continuity has allowed communities to weather the tides of change and modernization while holding steadfast to their cultural roots. It is a testament to the resilience of Zambia's traditional land tenure system and its ability to provide a sense of stability in a rapidly evolving world.

1.3.3 Cohesion and Social Order

Another critical aspect of the traditional land tenure system in Zambia is its contribution to social cohesion and order within communities. This system has established clear norms and customs governing land use, inheritance, and dispute resolution. These norms serve as a social contract, ensuring that land-related matters are handled with fairness and equity (Mubita, 2016). By providing a structured framework for land management and conflict resolution, the traditional land tenure system has been instrumental in maintaining social harmony. Land disputes are not uncommon, but the established customs and authorities within this system have traditionally acted as mediators, helping communities find amicable solutions to conflicts. This has contributed to the overall stability and well-being of Zambian communities (Mubita, 2016).

1.3.4 Cultural Significance

Beyond its historical importance, the traditional land tenure system holds immense cultural significance in Zambia. Land is intricately woven into various cultural practices, from agriculture to ceremonies and rites of passage. It serves as the backdrop for cultural events such as agricultural festivals, initiation ceremonies, and communal gatherings. In these settings, land takes on a dual role: as a physical resource for sustenance and as a stage for cultural expression (Nkumbula, 2020). Furthermore, many Zambian communities attribute spiritual and religious significance to their land. It is often considered sacred and connected to ancestral spirits and deities. Rituals and ceremonies are performed to honour and seek blessings from these spiritual entities, reinforcing the deep spiritual connection that people have with their land (Kamwanga, 2019).

1.3.5 Collective Identity and Traditional Governance

The traditional land tenure system fosters a profound sense of collective identity among community members. The land is not viewed as an individual possession but as a communal asset. This collective ownership reinforces the idea that the land belongs to the entire community, emphasizing shared responsibility and unity (Chirwa, 2018). Traditional leaders, who hold central positions within the

traditional land tenure system, play a pivotal role in upholding cultural norms and customs related to land. They act as custodians of traditional knowledge and practices, ensuring the continuity of cultural values associated with land (Phiri, 2017). These leaders are not only administrators of land but also guardians of cultural heritage, preserving traditions for future generations. The traditional land tenure system in Zambia is more than just a mode of land ownership; it is a repository of cultural heritage, a bridge to the past, a source of social order, and a wellspring of collective identity. Its historical and cultural significance cannot be overstated, and understanding its role is essential for appreciating the complexities of land-based investment governance in Zambia.

2 LITERATURE REVIEW

This literature review provides a comprehensive overview of key components relevant to the study of land-based investment governance in Zambia. It examines the recent trends and impacts of land-based investments, delves into the historical and contemporary roles of the traditional land tenure system, defines, and elaborates on the concept of land-based investment governance, and analyses the influence and functions of traditional leaders in this context. Understanding these facets is crucial for formulating effective governance strategies that promote sustainable development and equitable outcomes within the realm of land-based investments in Zambia.

2.1 Land-Based Investments in Zambia

Zambia has witnessed a surge in land-based investments in recent years, propelled by its abundant natural resources, fertile land, and strategic geographical location (Mwansa, 2019). These investments carry significant implications for the nation's economic landscape. They hold the potential to stimulate economic growth, generate employment opportunities, and enhance food security, contributing substantially to Zambia's socio-economic development (Mukumbuta-Mwale, Qaim, & Sauer, 2018). However, this heightened interest in land-based investments has not been without its complexities. It has raised pertinent concerns regarding potential social, environmental, and economic impacts, particularly within regions governed by the traditional land tenure system (Hichaambwa, 2020). Understanding the dynamics, trends, and consequences of these investments is crucial for formulating effective governance strategies that balance economic development with community welfare.

Zambia's appeal for land-based investments arises from its wealth of natural resources, fertile land, and strategic geographical location. These factors have attracted a diverse range of investors, including both domestic and foreign entities (Mwansa, 2019). The primary sectors witnessing significant investment include agriculture, mining, and infrastructure development. The agricultural sector, for instance, has experienced substantial inflows of capital, driven by the growing global demand for food and biofuels (Mukumbuta-Mwale, Qaim, & Sauer, 2018). Large-scale commercial farming operations, often involving foreign investors, have become increasingly prevalent. In the mining sector, the exploration and extraction of minerals have attracted substantial investments, contributing to Zambia's position as a key player in the global mining industry.

While land-based investments offer the potential for economic development, they are not without their complexities and challenges. One of the notable impacts is the creation of employment opportunities, particularly in the agricultural and mining sectors. This has contributed to income generation and poverty reduction, benefiting local communities (Mukumbuta-Mwale, Qaim, & Sauer, 2018). Additionally, land-based investments have the potential to enhance food security by increasing agricultural productivity and diversifying crop production. This is crucial in a country where a significant portion of the population depends on agriculture for livelihood. However, it is imperative to acknowledge the potential negative impacts as well. One of the primary concerns is the displacement of local communities from their customary lands, often leading to loss of livelihoods and social disruptions (Resnick, 2019). This is particularly pronounced in areas governed by the traditional land tenure system, where communal land ownership is central to community identity and sustenance (Chimhowu, Hickey, & Kanyongolo, 2016). Moreover, land-based investments can lead to environmental degradation, as seen in the case of large-scale agricultural ventures that may result in deforestation and soil degradation. Additionally, conflicts over land use and resource allocation may arise between investors and local communities, further underscoring the need for effective governance mechanisms (Resnick, 2019).

2.2 Traditional Land Tenure System

The traditional land tenure system in Zambia remains a cornerstone of land governance, deeply entwined with the nation's cultural heritage and communal values. Its historical significance in promoting communal ownership and sustainable land use continues to shape modern land management practices. While it offers strengths in fostering community cohesion and sustainable resource utilization, challenges arise in adapting it to contemporary economic demands. By recognizing both its strengths and limitations, policymakers can work towards a balanced approach that respects local customs while aligning with broader developmental objectives. Ultimately, the traditional land tenure system stands as a testament to Zambia's rich cultural heritage and its enduring relevance in modern land governance.

The traditional land tenure system in Zambia has roots that extend deep into the nation's history. It emerged from indigenous customs and practices that governed land ownership and utilization long before the colonial period. Communities relied on this system to allocate land based on familial and communal needs, ensuring equitable access to this invaluable resource. As Mudenda (2020) notes, the system was instrumental in promoting a sense of collective responsibility for the land, aligning with Zambia's agrarian economy and cultural values. Moreover, the traditional land tenure system served as a mechanism for conflict resolution and community cohesion. Local leaders, acting as custodians of customary land, played a crucial role in mediating disputes and preserving cultural heritage. This not only maintained social harmony but also upheld the integrity of communal land-use practices (Chimhowu, Hickey, & Kanyongolo, 2016).

In the present day, the traditional land tenure system continues to hold a significant place in Zambia's land governance framework. It coexists alongside statutory and customary systems, reflecting the complex mosaic of land governance in the nation (Resnick, 2019). This system remains deeply ingrained in the social and cultural identity of local communities, shaping land management decisions and resource allocation. While statutory systems may provide legal frameworks, the traditional system often operates as the primary means of land administration at the community level (Chimbuya & Murisa, 2019).

The strengths of the traditional land tenure system lie in its ability to foster a sense of communal ownership and shared responsibility for land resources. It provides a framework for sustainable land use, aligning with contemporary efforts to promote environmental conservation and responsible resource management (T.S.Jayne, et al., 2016). The system's emphasis on local participation and decision-making processes also aligns with principles of social inclusivity and community engagement in governance. Furthermore, the traditional land tenure system serves as a vital reservoir of indigenous knowledge and practices related to land management. This reservoir offers valuable insights into sustainable agricultural practices, biodiversity conservation, and adaptive strategies that have been refined over generations (Chirwa, 2018).

However, the traditional land tenure system is not without its limitations. As economic dynamics evolve, and demands for land increase, challenges arise in adapting the system to meet modern investment needs (Chimbuya & Murisa, 2019). Insufficient land-use planning, weak land administration, and unclear land rights can lead to conflicts between local communities and investors. Moreover, vulnerable groups, such as women and marginalized ethnic minorities, may face marginalization due to a lack of adequate safeguards and meaningful consultations (Mudenda C. , 2020).

2.3 Land-Based Investment Governance

Land-based investment governance refers to the set of policies, regulations, practices, and frameworks that shape the allocation, management, and utilization of land resources for various forms of

investment, such as agriculture, forestry, mining, and infrastructure development. It is a complex and multifaceted concept that aims to balance the interests of investors, local communities, and the broader national development agenda within the context of land use (Deininger et al., 2020).

2.3.1 Theoretical Perspectives on Land-Based Investment Governance in Zambia

2.3.1.1 Property Rights Theory:

Property rights theory, deeply rooted in economics, underscores the pivotal role of secure property rights in driving efficient resource allocation and encouraging investment. According to this theory, individuals are more inclined to invest in and improve land when they possess confidence in their property rights (Deininger, 2003). In the Zambian context, secure property rights would instil confidence among investors, fostering responsible land-based investments that contribute to economic growth and development. By emphasizing the importance of clearly defined and protected land rights, property rights theory highlights the potential benefits of aligning governance mechanisms with modern investment needs.

2.3.1.2 Institutional Economics:

Institutional economics offers valuable insights into the governance of land-based investments by focusing on the role of institutions, both formal laws and informal norms, in shaping behaviour and economic outcomes. Effective governance institutions are essential for managing land resources, resolving conflicts, and ensuring that investments align with broader development goals (North, 1990). In Zambia, the effectiveness of institutions governing land-based investments can significantly impact the balance between investor interests and local community welfare. Understanding the role of institutions, both statutory and customary, is crucial in crafting policies that harmonize these systems to achieve sustainable and equitable outcomes.

2.3.1.3 Political Ecology:

Taking an interdisciplinary approach, political ecology delves into the social and environmental dimensions of land-based investment governance. It investigates power dynamics, environmental impacts, and the distribution of benefits and costs associated with land investments (Blaikie & Brookfield, 1987). In Zambia, this perspective is invaluable in assessing the social and environmental consequences of land-based investments, particularly in regions governed by the traditional land tenure system. Examining who gains and who bears the costs of these investments helps policymakers and stakeholders understand their broader implications and work towards more equitable and sustainable practices.

2.3.1.4 Land Tenure Frameworks:

Land tenure frameworks provide structured lenses through which to analyze land tenure systems and governance. The continuum of land rights, which spans from individual to communal ownership, is crucial in understanding the diversity of land tenure arrangements (North, 1990). In Zambia, recognizing the coexistence of various land tenure systems, including customary practices and norms, is vital for crafting inclusive governance strategies. Acknowledging customary land tenure as a legitimate form of land management can foster cooperation and inclusivity, aligning governance with local customs while advancing national development objectives.

2.3.2 The Multifaceted Role of Traditional Leaders in Land-Based Investment Governance

2.3.2.1 Custodians of Customary Land

One of the central roles of traditional leaders is that they serve as the custodians of customary land within their communities (Lungu A. K., 2018). Customary land tenure systems are deeply rooted in many societies, and these leaders are responsible for overseeing land allocation, and land use practices, and ensuring that land resources are managed in a manner that aligns with local customs and traditions. They wield significant authority in decisions related to land ownership, farming practices, and resource utilization. This custodial role positions them as key figures in maintaining the integrity of land tenure systems that have shaped their communities for generations.

2.3.2.2 Intermediaries between Communities and Investors

Traditional leaders also function as intermediaries between local communities, government authorities, and land-based investors (Chimbuya & Murisa, 2019). Their roles in this capacity are instrumental in facilitating negotiations, mediating conflicts, and ensuring that investment projects are harmonized with local customs and values. Investors often seek the endorsement or cooperation of these leaders to gain access to land resources. As intermediaries, traditional leaders can wield substantial influence in shaping the terms of investment agreements, contributing to the protection of community interests.

2.3.2.3 Preservation of Cultural Heritage

Preserving cultural heritage is another critical dimension of the role of traditional leaders in land-based investment governance. These leaders work tirelessly to ensure that land investments respect and integrate local customs, preserving the cultural fabric of their communities (Jayne, 2016). By advocating for the incorporation of traditional practices into land-based projects, they help maintain the cultural identity of their communities and prevent the erosion of indigenous knowledge and traditions. This preservation of cultural heritage is not only essential for maintaining community identity but also for promoting sustainable land use practices.

2.3.2.4 Community Welfare and Development

Traditional leaders often exhibit a deep commitment to the welfare and development of their communities. They recognize the potential benefits that land-based investments can bring, such as job creation and infrastructure development. Consequently, they may leverage their influence to negotiate favourable terms for land-based investments that directly benefit residents (Mudenda H. , 2019). This proactive approach aims to ensure that the economic gains from investments are channelled back into the community, addressing pressing needs and improving overall living standards.

However, the multifaceted role of traditional leaders in land-based investment governance is not without challenges and dilemmas. Traditional leaders may find themselves caught between competing interests. On one hand, they may face pressure from investors who seek their cooperation to secure land resources for their projects. On the other hand, they must also consider the welfare and interests of their local communities (Resnick, 2019). Striking a balance between these competing pressures while maintaining impartiality can be a delicate challenge. The impartiality of their decisions may be questioned, leading to concerns about transparency and equity in land-based investment governance.

3 METHODOLOGY

3.1 Research Design

To comprehensively address the multifaceted nature of land-based investment governance in Zambia, a mixed-methods approach was employed. This methodological choice allowed for a holistic understanding of the complexities surrounding the traditional land tenure system and its interaction with contemporary land-based investments.

3.2 Data Collection

3.2.1 Primary Data Collection

Interviews, conducted with key stakeholders, provided valuable insights into their perspectives and experiences regarding land-based investments and the traditional land tenure system. Semi-structured interviews were chosen for their flexibility in allowing respondents to elaborate on their viewpoints, ensuring a nuanced understanding of their positions. These interviews covered a diverse range of participants, including local leaders, government officials, investors, and representatives from civil society organizations. This diversity ensured a broad representation of perspectives, contributing to a comprehensive analysis. Additionally, focus group discussions were organized within selected communities. This approach encouraged collective deliberation, offering a platform for community members to share their experiences and concerns regarding land-based investments. The structured yet open-ended nature of these discussions facilitated the emergence of valuable insights and allowed for the exploration of communal viewpoints.

Surveys were administered to a broader sample of community members. These structured questionnaires provided quantitative data, allowing for the identification of broader trends and attitudes within the selected communities. This method complemented the qualitative data, offering a quantitative perspective on community opinions and experiences.

3.2.2 Selection of Study Sites and Participants

A purposive sampling strategy was employed to select study sites that represented a diverse range of geographical and demographic characteristics within Zambia. This approach ensured that the findings could be generalized to a broader context. Communities were selected based on factors such as geographical diversity, varying levels of land-based investment activities, and representation of different demographic groups. This approach guaranteed a rich and varied dataset, enabling a nuanced analysis of the complex dynamics surrounding land-based investments.

3.2.3 Secondary Data Sources

In conjunction with primary data, a thorough analysis of secondary data sources was conducted. Official reports, academic papers, and policy documents related to land-based investment governance and the traditional land tenure system in Zambia were scrutinized. This secondary data provided crucial historical context and allowed for a comprehensive review of existing practices and policies governing land resource management. The integration of secondary data enhanced the depth and breadth of the analysis, providing valuable contextual insights.

3.3 Data Analysis

Qualitative data from interviews and focus group discussions underwent a systematic thematic analysis. This involved identifying recurring themes, patterns, and unique perspectives within the qualitative dataset. Through this process, a rich and descriptive narrative was generated, offering in-depth insights into the experiences and perceptions of the participants.

Quantitative data from surveys were analyzed using appropriate statistical techniques. This facilitated the generation of numerical summaries and allowed for the identification of significant trends or correlations within the data. The quantitative analysis complemented the qualitative findings, providing a robust foundation for the research conclusions.

3.4 Triangulation Approach

A triangulation approach was employed to integrate findings from both qualitative and quantitative data sources. This methodological choice enriched the overall understanding of land-based investment governance in Zambia. By considering multiple data sources, the research findings were corroborated and provided a comprehensive and nuanced interpretation. This approach enhanced the credibility and validity of the research outcomes, ensuring a well-rounded analysis of the subject matter.

4 RESULTS

4.1 Historical Significance of Traditional Land Tenure System

The historical analysis revealed the profound significance of Zambia's traditional land tenure system in shaping the socio-cultural landscape. It has served as the bedrock of communal land ownership and utilization practices, engendering a sense of collective stewardship. Through generations, this system has preserved local traditions and fostered a strong connection between communities and their land. It acted as a custodian of indigenous knowledge, preserving ancestral wisdom related to sustainable land management practices. This historical continuity has contributed to the resilience of local communities in the face of various socio-economic changes.

4.2 Challenges and Adaptation

The study unearthed a series of challenges faced by the traditional land tenure system as it grapples with the demands of modernization. One salient issue is the increasing pressure on land resources due to population growth and expanding economic activities. This strain has led to inefficiencies in land allocation and utilization. Additionally, the lack of clear regulatory frameworks has created ambiguities, resulting in disputes over land ownership and use rights. As Zambia's economic landscape evolves, the traditional system faces the critical task of adapting while preserving its core values.

4.2.1 Social risks arising from issues associated with land-based investment include:

1. **Displacement and Dispossession:**

Land-based investments can lead to the displacement of local communities, particularly when their customary land rights are not adequately recognized or protected. This can result in the loss of homes, livelihoods, and social cohesion.

2. **Conflict and Tension:**

Competing claims over land can escalate into conflicts between local communities, investors, and even government authorities. These conflicts can have significant social repercussions, disrupting community relationships and potentially leading to violence.

3. **Marginalization of Vulnerable Groups:**

Women, ethnic minorities, and marginalized communities often face disproportionate impacts from land-based investments. They may experience reduced access to resources, diminished decision-making power, and increased vulnerability to social and economic exclusion.

4. **Loss of Cultural Heritage and Identity:**

Traditional land and natural resources hold cultural and spiritual significance for many communities. Land-based investments can lead to the degradation or loss of culturally significant sites, affecting the identity and heritage of affected communities.

5. Erosion of Livelihoods:

Land-based investments, particularly those involving large-scale agriculture or resource extraction, can disrupt local livelihoods that are closely tied to the land. This can result in economic hardships and social dislocation for affected communities.

6. Limited Access to Basic Services: Displaced or marginalized communities may face challenges in accessing essential services such as healthcare, education, and clean water, which are often linked to their proximity to their original lands.

7. Inadequate Compensation and Benefits: Communities may not receive fair compensation for the land and resources they lose due to investments. This can lead to economic hardships and a sense of injustice, further exacerbating social tensions.

8. Undermining Traditional Governance Systems: Land-based investments may challenge or displace traditional governance structures and decision-making processes, potentially leading to a loss of social cohesion and trust within communities.

9. Psychosocial Impacts: The stress and uncertainty associated with land disputes and potential displacement can have significant psychosocial impacts on individuals and communities, including mental health issues and increased levels of anxiety and stress.

10. Limited Participation in Decision-Making: Communities affected by land-based investments may have limited opportunities to participate in the decision-making processes that shape their future. This lack of participation can lead to feelings of powerlessness and disenfranchisement.

Fig. I below highlights some of the crucial social risks arising from land-based investments which were collected from responses given by community members including traditional leaders in the Sinazongwe district where mining activities are prominent land-based investments in the district.

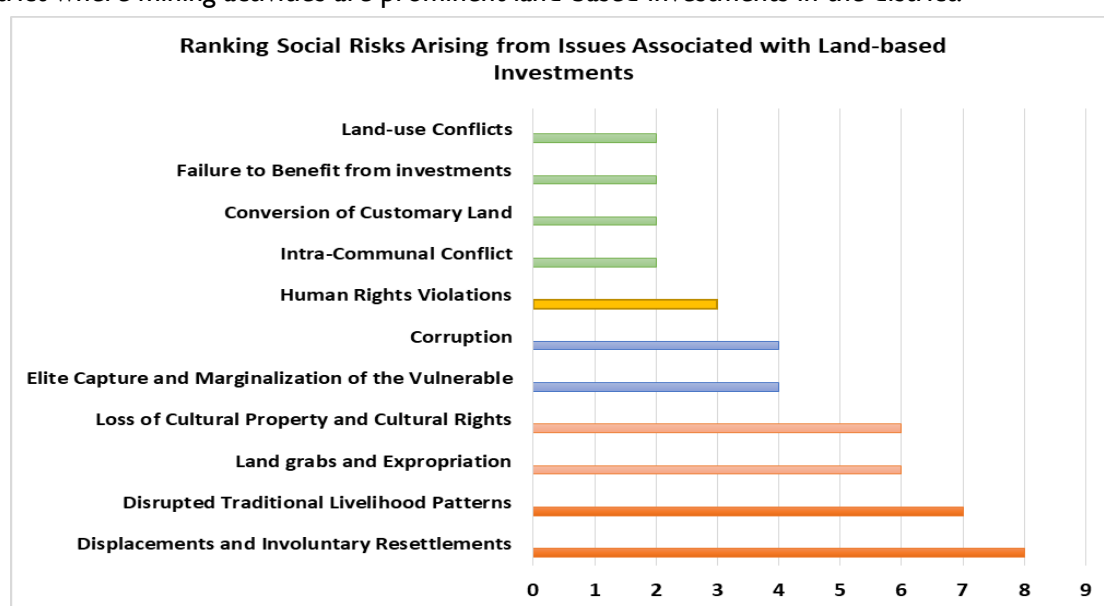


FIGURE I: SOCIAL RISKS ASSOCIATED WITH LAND-BASED INVESTMENTS.

4.3 Conflict Between Communities and Investors

The research illuminated the complex interplay between local communities and investors in the context of land-based investments. Conflicts often arise from divergent interests and expectations. Local communities, rooted in customary practices, may hold deep emotional and cultural attachments to their land. On the other hand, investors, driven by economic motives, may seek to optimize land use for commercial gain. This misalignment can lead to disputes over land rights, resource allocation, and compensation. Addressing these conflicts necessitates a nuanced approach that respects the rights and aspirations of both parties.

4.4 Marginalization of Vulnerable Groups

An important finding of the study is the disproportionate impact of land-based investments on vulnerable groups, notably women and marginalized ethnic minorities. Existing power dynamics within communities and societal structures often exacerbate their vulnerability. Limited access to information, resources, and decision-making processes further marginalizes these groups. Women, in particular, face challenges in asserting their land rights and participating in land-related negotiations. Similarly, marginalized ethnic minorities experience diminished representation and influence in land governance. These findings underscore the urgent need for targeted interventions to ensure inclusivity and equity in land-based investment governance.

4.5 Opportunities for Improvement

Drawing from the research findings, several opportunities for enhancing land-based investment governance in Zambia have emerged. A key recommendation is the implementation of comprehensive and participatory land use planning. This approach aligns traditional land practices with contemporary investment needs, ensuring optimal land allocation and utilization. Additionally, transparent, and community-inclusive land registration processes are essential in securing land rights for local communities. Meaningful and inclusive community consultations in investment decision-making processes can bridge gaps in communication and representation. Furthermore, integrating robust social and environmental impact assessments and safeguards into investment projects will mitigate adverse effects and promote sustainable development outcomes. These recommendations collectively form a roadmap towards a more equitable and sustainable land-based investment governance framework in Zambia.

5 DISCUSSION

5.1 Implications of Findings

The findings of this study carry profound implications for the governance of land-based investments in Zambia. First and foremost, the historical significance of Zambia's traditional land tenure system cannot be overstated. It has been an integral part of the nation's cultural and social heritage, emphasizing communal ownership and equitable land-use practices. Recognizing this historical role is crucial when considering any reforms or adaptations in the face of modern economic dynamics and increased land demands. While there are challenges in aligning the traditional system with contemporary needs, it is essential to tread carefully, preserving its positive aspects while addressing its limitations.

Furthermore, the identified conflicts between local communities and investors underscore the urgency of robust governance mechanisms. These conflicts often arise due to inadequate land-use planning, weak land administration, and unclear land rights. Addressing these issues is paramount to ensuring that land-based investments contribute positively to Zambia's development. Clear, transparent, and participatory land-use planning processes, backed by secure land rights, can go a long way in mitigating these conflicts.

The marginalization of vulnerable groups, particularly women and marginalized ethnic minorities, highlights the need for inclusivity and equity in land-based investment governance. The recommendations put forth in this study aim to rectify this imbalance, but policymakers and stakeholders must take these findings seriously to ensure that marginalized groups are actively involved in decision-making processes.

5.2 Challenges of Land-Based Investments in Zambia

The issues highlighted point to significant challenges in reconciling investment property rights with land rights ownership claims, particularly in the context of customary land tenure systems.

1. **Lack of a Reconciliation Model:** One of the central problems is the absence of a well-defined policy or legal model that effectively reconciles the interests of investors with the rights of landowners in areas governed by customary land tenure systems. This legal gap can lead to conflicts and uncertainties regarding land use and ownership.
2. **Conversion to Leasehold Tenure:** As a result of the absence of a reconciliation model, a common approach taken to safeguard investments is to expropriate or convert land from customary tenure to leasehold tenure. While this may provide immediate security for investors, it can have long-term negative consequences, including adverse environmental impacts, social upheaval, and the erosion of cultural heritage.
3. **Lack of Social License to Operate:** In many cases, investments proceed without obtaining a Social License to Operate (SLO), which is essentially a form of community consent and a legally binding contract between investors and landowners or communities. This absence of a formal agreement can lead to tensions, as communities may feel alienated from their land and disenfranchised in decision-making processes.

Addressing these challenges requires a multifaceted approach. The following are some of the approaches that can help resolve the issues:

- **Developing Reconciliation Models:** Policymakers and legal experts should work on developing reconciliation models that balance the rights of investors with the land rights of communities. These models should consider the unique characteristics of customary land tenure systems and prioritize equitable outcomes.
- **Safeguarding Environmental, Social, and Cultural Values:** Before converting land to leasehold tenure, comprehensive environmental and social impact assessments should be conducted. These assessments should also consider the cultural significance of the land and its resources. Mitigation measures should be put in place to address potential negative impacts.
- **Promoting Social License to Operate:** Governments, investors, and communities should work collaboratively to establish legally binding Social Licenses to Operate. These agreements should outline the rights, responsibilities, and benefits for all parties involved and ensure that communities have a voice in land-use decisions.
- **Community Engagement:** Community engagement should be a central component of any land-based investment. It is crucial to involve local communities in decision-making, ensuring their interests and concerns are considered and respected.

5.3 Policy Recommendations

Based on the findings of this research, we propose a set of pragmatic policy recommendations aimed at strengthening land-based investment governance in Zambia. These recommendations are rooted in

the principles of transparency, inclusivity, and sustainability. *Enhancing Land Use Planning:* Comprehensive and participatory land use planning is essential. It should harmonize traditional land practices with modern investment requirements, ensuring that land allocation and utilization align with the needs of both communities and investors.

- I. *Securing Land Rights:* To reduce tenure insecurity and build trust between communities and investors, transparent and community-inclusive land registration processes must be implemented. This can secure land rights, providing a stable foundation for responsible investments.
- II. *Strengthening Community Participation:* Ensuring meaningful and inclusive community consultations in investment decision-making processes is pivotal. This approach guarantees that the interests and concerns of local communities are genuinely considered, leading to better outcomes for all stakeholders.
- III. *Implementing Social and Environmental Safeguards:* The integration of robust social and environmental impact assessments and safeguards in investment projects is essential. This will mitigate adverse effects, protect the environment, and promote sustainable development outcomes.

5.4 Sustainable Development and Social Inclusion

The recommendations outlined above are not only vital for strengthening land-based investment governance but are also integral to the broader goals of sustainable development and social inclusion. Responsible land-based investments, facilitated by transparent governance mechanisms, can be powerful drivers of economic growth, job creation, and food security, contributing significantly to Zambia's socioeconomic progress. By ensuring that vulnerable groups, such as women and marginalized ethnic minorities, are actively involved in land resource management and decision-making processes, these recommendations promote social inclusion, equity, and a more just distribution of benefits from land-based investments.

5.5 Role of Traditional Leaders

Traditional leaders hold a unique and influential position in implementing these recommendations. Their authority and cultural significance provide them with the capacity to bridge gaps between local communities, investors, and the government. They can play a crucial role in promoting community engagement, mediating disputes, and ensuring the equitable distribution of benefits from land-based investments. Recognizing their role and involving them in the implementation of policy reforms and governance mechanisms is essential for their success.

6 CONCLUSIONS

6.1 Summary of Key Findings

In this comprehensive analysis of land-based investment governance in Zambia, the study unearthed crucial insights into the intricate dynamics of land tenure systems and their impact on investment outcomes. The traditional land tenure system, deeply rooted in Zambia's cultural heritage, emerged as a cornerstone of land governance. It historically emphasized communal ownership and customary land-use practices, playing a pivotal role in resource allocation. However, challenges emerged in adapting this system to modern economic demands, leading to conflicts and uncertainties in land rights. Vulnerable groups, notably women and marginalized ethnic minorities, were disproportionately affected, underscoring the need for inclusive safeguards.

6.2 Contributions to the Field

This research significantly advances the discourse on land-based investment governance. By meticulously dissecting the interplay between traditional land tenure systems and modern investment dynamics, it offers a nuanced understanding of the challenges and opportunities. The study's findings provide a valuable foundation for policymakers, investors, and communities to navigate the complexities of land governance. Moreover, the recommendations put forth serve as practical guideposts for fostering sustainable, inclusive, and responsible land-based investments. The research also underscores the pivotal role of traditional leaders in mediating land-related decisions, highlighting the importance of recognizing and integrating their authority into governance frameworks. Furthermore, this study contributes to the broader academic discourse on land governance and sustainable development. It offers a case study that can be utilized as a reference point for researchers and practitioners working in similar contexts. The insights garnered from Zambia's experience can be extrapolated to inform land governance strategies in other regions facing similar challenges.

6.3 Future Research Directions

Building on the findings of this study, several avenues for future research emerge. Firstly, an in-depth exploration of the socio-cultural dynamics influencing land-based investments, particularly the role of indigenous knowledge systems, could provide further depth to the understanding of this complex issue. Additionally, a comparative analysis of land governance frameworks across different countries in the region could yield valuable insights into effective practices and areas for improvement. Furthermore, investigating the implementation and impact of the proposed policy recommendations at the grassroots level would provide a practical assessment of their efficacy. Longitudinal studies tracking the outcomes of land-based investments over time would offer valuable data on the sustainability and socio-economic impacts of various investment models.

Finally, as global trends and policies evolve, examining the implications of international frameworks on land governance in Zambia could provide a forward-looking perspective. This would include an assessment of how initiatives related to sustainable development goals, climate change mitigation, and responsible business conduct intersect with land-based investments in the Zambian context.

7 References

- Blaikie, P., & Brookfield, H. (1987). *Land Degradation and Society*. London: Routledge.
- Chimbuya, S., & Murisa, T. (2019). The Role of Traditional Leaders in Land Governance in Zimbabwe: Implications for Development. *The European Journal of Development Research*, 31(4), 815-833.
- Chimhowu, A., Hickey, S., & Kanyongolo, F. (2016). Matrilineal land tenure and the challenges of large-scale land acquisitions in Malawi. *Development and Change*, 47(5), 1107-1131.
- Chirwa, C. (2018). Customary land tenure and agricultural development in Zambia. *World Journal of Social Sciences and Humanities*, 4(2), 87-96.
- Deininger, K. (2003). *Land policies for growth and poverty reduction*. Washington, DC: World Bank.
- Hichaambwa, M. (2020). Agricultural Commercialisation, Mechanisation, and Challenges to the Growth of Contract Farming in Zambia. *The European Journal of Development Research*, 32(4), 1263-1285.
- Jayne, T. S. (2016). Africa's changing farm size distribution patterns: The rise of medium-scale farms. *Agricultural Economics*, 47(S1), 197-214.
- Kamwanga, J. (2019). The role of traditional leadership in natural resources management and conservation: The case of the Lozi people of Zambia. *African Journal of Environmental Science and Technology*, 13(5), 96-108.
- Lungu, A. K. (2018). The politics of Zambia's land reform process: From state-led to community-driven land reform. *The Journal of Peasant Studies*, 45(6), 1269-1288.
- Lungu, K. D. (2018). Do women in rural Zambia have improved maize varieties? Evidence from DNA fingerprinting. *World Development*, 106, 147-157.
- Mubita, M. S. (2016). Customary land tenure and conflict resolution in Zambia: A case study of traditional leadership. *International Journal of Conflict and Peace Studies*, 4(2), 16-25.
- Mudenda, C. (2020). The shifting local institutional landscape: Land conflicts, land tenure reforms, and customary authorities in Zambia. *The Journal of Peasant Studies*, 47(4), 872-891.
- Mudenda, H. (2019). Navigating the governance challenges of land tenure reforms in Zambia: The elusive quest for substantive land justice. *Land Use Policy*, 99, 104995.
- Mukumbuta-Mwale, I., Qaim, M., & Sauer, J. (2018). Maternal and child nutrition impacts of agricultural projects: A conceptual framework. *Global Food Security*, 16, 63-70.
- Mwansa, N. B. (2019). Challenges and Opportunities of Sustainable Urban Agriculture in Zambia. *Sustainability*, 11(7), 2051.
- Nkumbula, C. (2020). Customary land tenure systems and rural development: A case study of Zambia. *Journal of Rural and Community Development*, 15(2), 85-98.

- North, D. C. (1990). *Institutions, institutional change, and economic performance*. Cambridge: Cambridge University Press.
- Phiri, I. (2017). The role of traditional leaders in the preservation of customary land tenure systems in Zambia. *International Journal of Research in Arts and Social Sciences*, 10.
- Resnick, D. (2019). Customary land tenure and the validation of local systems. *The Journal of Peasant Studies*, 46(5), 968-987.
- T.S.Jayne, Chamberlin, J., Traub, L., Sitko, N., Muyanga, M., FelixK.Yeboah, . . . Kachule, R. (2016). Africa's changing farm size distribution patterns: the rise of medium-scale farms. *Agricultural Economics*, 47(S1), 197-214.

8 APPENDIX

8.1 Appendix I. Disparity between Investment Property Rights and Land Property Rights in Zambia.

