

## **REPORT OF THE COMMITTEE ON AGRICULTURE AND LANDS FOR THE FIFTH SESSION OF THE TENTH NATIONAL ASSEMBLY APPOINTED ON 22 SEPTEMBER, 2010**

Consisting of:

Mrs F B Sinyangwe, MP, (Chairperson); Mr R Muntanga, MP; Mrs E K Chitika-Molobeka, MP; Maj C K Chibamba, MP; Mr B Hamusonde, MP; Mr S Katuka, MP; Mr G Mpombo, MP; and Dr S Musonda, MP.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA**

Sir

Your Committee has the honour to present its Report for the year 2011.

### **Functions of the Committee**

2.0 The functions of your Committee, as set out in the National Assembly Standing Orders, are as follows:

- a) study, report and make recommendations to the Government through the House, on the mandate, management and operations of the Ministries of Lands and Agriculture and Cooperatives, departments and/or agencies under its portfolio;
- b) carry out detailed scrutiny of certain activities being undertaken by the Government ministries, departments and/or agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- c) make, if considered necessary, recommendations to the Government on the need to review certain policies and certain existing legislation;
- d) examine annual reports of Government ministries and departments under its portfolio in the context of the autonomy and efficiency of Government ministries and departments and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders; and
- e) consider any Bills that may be referred to it by the House.

Your Committee also enjoy all the privileges, immunities and powers of Sessional Committees as provided for in the National Assembly Standing Orders, the Constitution of Zambia and the *National Assembly (Powers and Privileges) Act*, Cap 12 of the Laws of Zambia.

### **Meetings of the Committee**

3.0 Your Committee held sixteen meetings during the period under review.

### **Committee's Programme of Work**

4.0 Your Committee considered and adopted the following programme of work:

- (a) consideration of outstanding issues from the Action-Taken Report on the Committee's Report for the Fourth Session of the Tenth National Assembly; and
- (b) consideration of the topical issue of the Land Development Fund.

### **Procedure adopted by the Committee**

5.0 Your Committee requested detailed memoranda from the relevant Government ministries, quasi government institutions, professional bodies, non-governmental organisations and interested individuals and, thereafter, invited their Chief Executives to appear before it to make oral submissions and clarifications on issues concerning their submissions.

Your Committee's Report is in three parts. Part I deals with the topical issue and part II highlights the findings on the local tour of selected District Councils. Part III deals with the Action-Taken Report on the Second Report of your Committee for the Fourth Session of the Tenth National Assembly.

## **PART 1**

### **CONSIDERATION OF THE TOPICAL ISSUE – LAND DEVELOPMENT FUND**

#### **Introduction**

6.1 In any country, land is one of the most important resources. In order to attain any sustainable economic development in a country, there must be prudent and well coordinated planning on land use. Thus, it is important that planning authorities plan the manner that development in their respective areas takes place. Therefore, the creation of the Land Development Fund was meant to help the local authorities identify areas for development and then properly plan how development in these areas ought to be done. It is a measure meant to give access to the local people to develop residential, commercial and industrial areas in a properly planned and managed environment.

The Land Development Fund is provided for under Section 16 of the Lands Act of 1995, Chapter 184 of the Laws of Zambia. The Fund consists of moneys appropriated by Parliament for the purposes of the Fund, seventy five per centum of the consideration fees and fifty per centum of ground rent collected from all land. The Fund is managed and administered by the Minister responsible for Land in accordance with Section 17 of the Act. The moneys from the Land Development Fund are used for opening up of new areas. The funds under the Land Development Fund are accessible by local authorities who wish to open up and develop new areas in their localities. Guidelines have been developed in order to improve on the modalities and mechanism in disbursement and usage of the Land Development Fund by the local authorities.

However, there have been a lot of concerns with regards to the manner that the Fund is managed. Concerns range from the criteria used for disbursement of the fund to the manner that local authorities manage the funds. Further concerns relate to the ability by the local authorities to manage the projects that are undertaken under the Land Development Fund.

In view of the concerns in the management of the Land Development Fund, your Committee resolved to investigate the extent of the problem by analysing the problems in the management of the Land Development Fund and how the local authorities are utilising the funds once accessed.

In order to ensure that your Committee gathered adequate information on the subject, they sought written memorandum and oral submissions from the following:

- a. Zambia Association for Research and Development;
- b. Local Government Association of Zambia;
- c. Chongwe District Council;
- d. Non Governmental Organisations Coordinating Committee;
- e. University of Zambia;
- f. Office of the Permanent Secretary – Western Province;
- g. Permanent Secretary, Budget Office - Ministry of Finance and National Planning;
- h. Permanent Secretary - Ministry of Local Government and Housing; and
- i. Permanent Secretary – Ministry of Lands.

## **SUBMISSIONS BY THE WITNESSES**

### **Rationale of the Creation of the Land Development Fund**

6.2 Your Committee was informed that the Land Development Fund came into existence through the enactment of the Lands Act under sub-section (1) of section 16. The fund is meant to assist City, Municipal and District Councils to open up new areas for development. Thus any council wishing to apply for funds to develop any area in its locality may apply to the Ministry for funds to develop that area.

According to the Provisions of Section 18 (1) of the Lands Act, the Land Development Fund shall be used for the opening up of new areas for development of land. In line with this provision, guidelines have been developed to cover the following scope of works:

- a. the preparation of the layout plans for the project sites;
- b. demarcation and surveying of the project sites;
- c. construction of roads in the project sites;
- d. water reticulation in the project sites; and
- e. electricity provision to the project sites.

### **Structures Responsible for the Management of the Land Development Fund**

#### **Vestment of the Fund**

6.3 Your Committee was informed that the Land Development Fund is vested in the Minister responsible for Finance and National Planning and administered by the Minister responsible for Lands through the Land Development Fund Committee.

The two Ministers are expected to cause an annual statement of the income and expenditure of this fund to be prepared and laid before the National Assembly.

The witnesses that appeared before your Committee submitted that the Land Development Fund Committee (LDFC) was established under Statutory Instrument No. 88 of 1996 with the mandate of scrutinising the applications, rejecting or recommending proposed development projects to the Minister of Lands for his/her final decision. In the event that the Committee's recommendation was ratified by the Minister of Lands he/she has the option of requesting the Ministry of Finance and National Planning to release the money to the Land Development Fund Account at the Ministry of Lands. A council that has got an approved project is mandated to open a Land Development Fund Account into which the project money is paid.

Your Committee heard that in City, Municipal and District Councils, the Land Development Fund is managed just like any other grants from Central Government. Each Council has the Finance Committee, as a standing committee, which is formed by representatives from Councilors and Council staff, and this Committee is responsible for the oversight of the financial management of respective council, including the utilisation of the Land Development Fund.

The Finance Department of each Council, led by either the Director of Finance (in City and Municipal Council) or the Council Treasurer (in District Council) will provide day-to-day management of the Fund, while the Town Clerk or the Council Secretary is held responsible for the utilisation of the Fund as controlling officer. The Engineering Department or the Works and Supply Department is held responsible for technical aspects, namely, the development of application (project proposal) and the actual land development in accordance with the approved proposal.

#### **Composition of the Land Development Fund Committee**

6.4 Your Committee was informed that the Land Development Fund Committee (LDFC) is appointed by the Minister of Lands and consists of the following officers:-

- (a) Permanent Secretary, Ministry of Lands - Chairperson;
- (b) Director — Human Resource and Administration-Vice Chairperson;
- (c) Commissioner of Lands;
- (d) Director of Physical Planning from Ministry of Local Government and Housing;
- (e) one Director from the Ministry of Agriculture;
- (f) one Director from the Ministry of Tourism, Environment & Natural Resources;
- (g) one Senior Official from the Ministry of Finance and National Planning;
- (h) one senior official from the Ministry of Energy and Water Development;
- (i) one senior official from the Environmental Council of Zambia;
- (j) Principal Accountant from the Ministry of Lands;
- (k) up to two officers co-opted from the Ministry of Lands; and
- (l) a Secretary (Ministry of Lands).

#### **Functions of the Land Development Fund Committee**

6.5 Your Committee was informed that the functions of the Land Development Fund Committee are to:

- (a) scrutinise and approve proposals on development projects and disburse the funds to the eligible Councils;
- (b) prepare an information report for the Minister on all the approved and rejected applications. The Committee also prepares a report on project implementation quarterly;
- (c) request the Minister of Finance and National Planning to release money to the Land Development Fund Account which is kept by the Ministry of Lands;
- (d) ensure that the eligible councils open a separate Land Development Fund Account into which the project monies are paid;
- (e) monitor the implementation of the approved projects in order to ensure that the programmes are implemented in line with the approved work-plans;

- (f) sensitise and promote awareness on the availability and utilisation of the Land Development Fund;
- (g) ensure Land Development Fund Accounts are audited; and
- (h) ensure that Councils are adhering to the provisions of the Environmental Act.

**Assessment of whether there is an equitable distribution of the Land Development Fund**

6.6 Your Committee was informed that access to the Fund by a local authority is provided for under regulation 4 (1). According to this regulation, any District Council that wishes to apply for disbursement of funds from the Fund to develop any area in its locality may apply to the Ministry of Lands for money to develop that area. Access to the Land Development Fund is, therefore, dependent on whether or not an application has been submitted by the District Council concerned.

The table below shows the number of Councils which have so far accessed funding from the Land Development Fund

PROVINCE/YEAR	2006	2007	2008	2009	2010
Lusaka	0	1	0	0	0
Southern	4	0	1	2	4
North-Western	2	3	0	1	4
Western	2	3	0	0	2
Northern	3	2	0	0	5
Luapula	1	0	0	0	0
Central	0	3	0	2	3
Eastern	1	1	0	0	4
Copperbelt	6	3	0	0	3
<b>Total:</b>	<b>19</b>	<b>16</b>	<b>1</b>	<b>5</b>	<b>25</b>

**Table A: Number of beneficiary District Councils**  
**Source: Ministry of Lands**

Your Committee was informed that disbursements to the District Councils from the Land Development Fund for the period 2006 to October 2010 amount to K25.7 billion. In 2006, nineteen Councils accessed the Land Development Fund and disbursements amounted to K8.4 billion while in 2007, K5.3 billion was disbursed to sixteen councils. In 2008, one Council accessed the funds and disbursements amounted to K400 million. In 2009, five Councils accessed the funds while in 2010, twenty five Councils accessed the funds with disbursements amounting to K1.4 billion and K10.1 billion, respectively.

Your Committee was also informed that some districts have not been able to take advantage of the availability of the Land Development Fund to open up new areas for development due to either failure to adhere to the set guidelines or to the District Councils' failure to apply. Table B below provides a breakdown of beneficiary provinces under the Land Development Fund for the period 2006 to 2010.

Beneficiary Province	Year					
	2006	2007	2008	2009	2010	Total
Luapula	0.5					0.5
Western	1.0	1.5			0.6	3.1
Northern	1.9	0.4			1.1	3.4
Copperbelt	2.5	1.3			0.7	4.5
Southern	1.3		0.4	0.6	1.0	3.3
Eastern	0.4	0.8			0.9	2.1
Northwestern	0.7	0.9		0.2	1.2	3.0
Central		0.4		0.6	0.6	1.6
Lusaka		0.5				
<b>Total</b>	<b>8.4</b>	<b>5.3</b>	<b>0.4</b>	<b>1.4</b>	<b>6.3</b>	<b>21.9</b>

**Table B: Breakdown of beneficiary provinces under the Land Development Fund for the period 2006 to October 2010 (K'billion)**

**Source: Ministry of Finance and National Planning**

### **How the Land Development Fund is utilised and the Rationale Used in Selecting Beneficiary Areas**

6.7 Your Committee learnt that according to Section 18 (1) of the Lands Act of 1995, the monies for the Land Development Fund are used to open up new areas for development of land. Under Section 18 (2) a Council that wishes to develop any area in its locality is at liberty to apply to the Fund for money to develop the area. In line with this provision in the Act, the Land Development Fund Committee has developed guidelines for Councils wishing to access the Fund to comply with when applying for these funds. These guidelines were developed in the year 2000 and revised in the year 2010.

According to the provisions of these guidelines a Council wishing to access the fund must submit the following:-

- (a) a development proposal with details of the proposed developments;
- (b) the name of the town and province for which the development proposal is to be implemented;
- (c) the estimated cost of the development that the council wishes to undertake and the financial breakdown;
- (d) a diagram or sketch plan showing the location and hectarage of the parcel of land which the council intends to develop;
- (e) a work-plan of implementation of the development proposal;
- (f) a plan of the future operation and maintenance of the project and how this will be financed; and
- (g) project proposals which should have been prepared by the relevant professionals to ensure that all aspects of the project development are

dealt with in detail and where there is no technical capacity the relevant institutions should be consulted to ensure the work is not compromised.

In addition to the above, the applying council should also ensure that all legal environmental concerns are taken into account for the proposed project to be approved.

In making the final decision to approve the application, the Committee also has to ensure that the project falls within the scope of works of the Land Development Fund which include:

- i. preparation of the layout plans;
- ii. demarcation and surveying of the project site;
- iii. construction of roads in the project site;
- iv. provision of water reticulation in the project site; and
- v. electricity provision to the project site area.

Your Committee was informed that Councils are required to indicate the administrative component of the project costs which should not exceed 5% of the total cost of the project. Once the project is approved the normal Government tendering and procurement procedures should be followed. Disbursement of the funds is done in tranches to ensure prudent use of the fund. The councils are further expected to submit to Ministry of Lands, financial and physical progress reports on a quarterly basis highlighting the implementation process. At the end of the project a completion report is also submitted to the Ministry. Since the Land Development Fund is a public fund it is subject to regular audits.

#### **CHALLENGES IN THE ADMINISTRATION AND IMPLEMENTATION OF THE LAND DEVELOPMENT FUND**

6.8 Your Committee learnt that there are numerous challenges in the administration and implementation of the Land Development Fund. The following were highlighted as the major challenges:

- (a) poor quality of applications by some District Councils;
- (b) misapplication of funds by some District Councils;
- (c) delay by some Councils to submit progress and financial reports;
- (d) due to the limited resource envelope, some district councils do not know how to readjust their programmes when the Land Development Fund Committee under-funds the local authority;
- (e) some local authorities that have been given funds under the Land Development Fund, have ended up using the funds to pay salaries or leave benefits, activities which are not related to the Land Development Fund project;
- (f) failure by Councils, undertaking projects under the Land Development Fund, to submit financial and physical reports timely as stipulated in the guidelines. The reports and returns are in most cases produced when visited by the Ministry of Lands officials who do not undertake these tours that often; and

- (g) some Councils, once they receive the Fund, have kept it for long without using hence paying for bank charges.

## **PART II**

### **LOCAL TOUR REPORT**

7.0 Your Committee having received submissions from various key stakeholders, traveled to Central, Luapula and Copperbelt Provinces to meet District Council Officials and have an on-the ground inspection of the works being done using the Land Development Fund and how the said fund was being managed.

Your Committee thus identified some districts that had benefited from the Land Development Fund and resolved to visit at least one council in the targeted provinces. The districts visited included Serenje, Mwense, Ndola and Mpongwe. In these areas, your Committee held round table meetings with council officials before undertaking physical inspections of the areas that had been earmarked for development.

#### **Serenje District Council**

7.1 Your Committee held two meetings in Serenje District. Your Committee was informed by the Serenje District Council Secretary that the Council received the sum of three hundred million kwacha (300,000,000) from the Ministry of Lands on 29<sup>th</sup> September 2009. These moneys were remitted to the councils as a grant from the Government under the Land Development Fund. The money was earmarked for opening up an area measuring 1.68Km<sup>2</sup> located 500m West of the Great North Road and South of the main road leading to the Central Business District.

Your Committee was informed that a total of 316 plots had so far been created and allocated to applicants. Your Committee noted that an amount of K168,215,544 was raised from the sale of the plots. Out of this amount, only a sum of K12,000,000 was said to have been deposited as a contribution to the Land Development Fund although a further scrutiny of the submitted documents revealed that the amount of K12,000,000 was not reflected. The other raised funds were said to have been used for recurrent costs of the council.

A physical inspection of the area earmarked for development showed that the council had undertaken works to create roads and had demarcated the plots. Beacons were seen on selected plots visited by your Committee.

#### **Mwense District Council**

7.2 Your Committee held one meeting in Mwense District with the Council Officials. Your Committee was informed that the Council received the sum of K570,000,000 from the Ministry of Lands on 26<sup>th</sup> December 2006 under the Land Development Fund. The purpose of these funds was to enable the council open up an area for development. The targeted number of plots that were supposed to be demarcated was five hundred (500).

Your Committee learnt that a sum of K348,936,500 from the Land Development Fund was misapplied. The Council, contrary to the Land Development Fund Guidelines, authorised the payment of the sum of K116,971,500 for settling salaries and advances.

Further, an amount of K63,144,200 was transferred from the Land Development Fund to the Council's Developmental Account and was meant to be used to renovate the Council Rest House. Further, probing revealed that works at the Council Rest House have not been completed to date.



A further amount of K168,820,500 were transferred from the Land Development Fund account and used for recurrent costs.

Your Committee learnt that of the targeted 500 plots that were supposed to have been demarcated, only 137 plots had so far been demarcated. Further, from the 137 demarcated plots only twenty-two had been allocated. Your Committee was further informed that road works had been undertaken in the area.

The Council informed your Committee that it advertised the sale of application forms. Each form was pegged at K100,000 while the service charge for each plot was pegged at K300,000. The money raised from the sale of these plots was also used for the Council's recurrent expenditure.

Your Committee learnt that Mwenze District Council was compelled to use the resources from the Land Development Fund as it had an unstable financial base.

A physical inspection of the area earmarked for development showed that tall grass had grown in some areas that had been hitherto cleared for road infrastructure. Further, the Council Officials were unable to identify not even a single beacon in the area alleged to have been demarcated.

### **Ndola City Council**

7.3 The Ndola City Council received the sum of K887,000,000 from the approved amount of K2,780,098,000. The total amount that had been applied for was K4,778,873,058.

The Committee heard that the Council only received the money in December 2010 and had so far opened a separate account for these moneys and was in the process of engaging the Surveyor General's office to survey and demarcate the land.

Your Committee was informed that the Council had earmarked an area known as Mitengo for development. According to the Council, the money would be used to open up Mitengo Zone B, Mitengo Zone C, Pine Grove and new industrial area. The funds applied for under Tranche A would be used to develop Mitengo Zone A which was a high cost area consisting of 262 plots. The said plots once surveyed and properly demarcated would cost between K8,000,000 and K10,000,000.

Your Committee was availed an implementation plan for development of the area. Among other facilities included in the plan were provisions for two schools, a clinic and a police post.

Your Committee further learnt that the proposed project budget was reduced to 2,780,098,000 by the Ministry of Lands after the Council's obligations to provide water and electricity was removed.

The Ndola City Council lamented over the confusion that existed in the allocation of land in the Mitengo area. While the Ndola City Council was allocating some of the plots to applicants, the Ministry of Lands was also offering land to other applicants in the same area. This according to the Ndola City Council officials had created problems as to which area the Council had jurisdiction over.

### **Mpongwe District Council**

7.4 Your Committee paid a Courtesy Call on the District Commissioner before meeting the Council Officials in Mpongwe. The Mpongwe District Council Officials submitted that a sum of

K500,000,000 was disbursed to the Council by the Ministry of Lands under the Land Development Fund in March 2008.

The purpose of the fund was to open up fifteen kilometers of township roads as well as for the extension of the water reticulation system in Mpongwe Township. This was to facilitate easy access to plots by would be developers.

Under this arrangement, a total of 394 plots were targeted for development. These included commercial, residential and industrial plots.

Your Committee heard that all works were carried out by the Council using labour based arrangements.

The works that were done included road formation, gravelling, laying of culverts and extension of the water reticulation system. Out of the fifteen kilometers that was projected, only eight kilometers were done. A further proposal was written to access more funds to enable the council complete the works.

Your Committee was informed that Mpongwe District Council had an acute shortage of land. The township has several villages located within. The residents of these villages would have to be displaced if land is to be made available for development. Displacing the resident villages would require compensation. In the area earmarked for development, the Council was struggling to find money to compensate villages domiciled there so that they could move to other areas. The Council submitted that it had no revenue base to enable it pay the villagers. All the other land constituted farmland. The owners of this farmland had acquired title to the land and the said land was in excess of 66,000 hectares.

The Council submitted that part of the money that was being sought under the re-application was to compensate the people living in the villages; so that they could move to other areas and pave way for development.

The Council submitted that the total amount of money raised from application forms and service charge was K480,000. Money realised from the sale of the plots was used on recurrent expenditure.

## **COMMITTEE'S OBSERVATIONS**

8.0 Your Committee observes that:

- (a) the Land Development Fund Committee has not sufficiently informed the local authorities of the existence of the Land Development Fund except through occasional discussions during the annual general meetings of the local Government Association of Zambia;
- (b) the Land Development Fund has been prone to a lot of abuse, misuse and misapplication due to lack of effective monitoring mechanisms set up by the Land Development Fund Committee;
- (c) the local authorities have accessed funds under the Land Development Fund even in cases where there is no adequate land that is ready to be opened up for development;

- (d) some local authorities have a serious lack of capacity to manage the funds that government disburses under the Land Development Fund;
- (e) the Government has over the years been disbursing the entire allocation to the approved beneficiary at once thereby giving the councils a bigger opportunity to misuse or misapply the funds;
- (f) the composition of the Land Development Fund Committee is devoid of proper representation from the local authorities as there is no single council representing others as they are all represented by the Local Government Association of Zambia which body has not been invited for meetings since 1999;
- (g) the amounts that the Land Development Fund Committee disburses to the local authorities are in most cases lower than the amounts applied for. Councils therefore, have to re-plan the implementation of the programmes so as to fit in within the allocated amounts;
- (h) most councils visited by your Committee have opted to open up areas for development of high cost housing units. Thus the poor, who are in the majority are denied access to this land as it is beyond their means; and
- (i) the councils are not well versed with the guidelines for accessing and implementing the Land Development Fund. Other councils especially in Luapula Province, where only one district council has accessed the funds, are unaware about how to access the funds.

#### **COMMITTEE'S RECOMMENDATIONS**

9.0 Your committee recommends that:

- (a) sensitisation programmes should be intensified by the Land Development Fund Committee;
- (b) there is need to tighten the financial controls in councils to curb misuse and misapplication of the Land Development Fund;
- (c) regular audits should be undertaken in order to address problems as they arise;
- (d) councils must employ qualified staff capable of managing large scale projects such as those to be undertaken under the Land Development Fund;
- (e) a regular system of financial and physical progress reporting should be developed in councils;
- (f) the councils must receive full allocations of the amounts applied for to meet the total cost of opening up new land for development. The Government must as a matter of urgency, consider making the guidelines for accessing and implementing the Land Development Fund more stringent on usage of the funds. In the event of scaling down the allocations, the Land Development Fund Committee must liaise with the affected Councils and inform the councils the elements that have been trimmed so that implementation of the programme is easier;

- (g) as a measure of developing capacity in the district councils, the Land Development Fund Committee should inform the unsuccessful applicants of the inadequacies of the project proposals;
- (h) the Land Development Fund Committee should devise mechanisms for effective and efficient monitoring and evaluation of the award and implementation of the projects; further, councils with an apparent lack of capacity to manage the fund should not receive the funds until capacities are built;
- (i) mechanisms should be developed so that more low cost areas are being developed so that more poor people can access housing areas; further, the cost of acquiring plots should be made reasonable to enable more people to access the land;
- (j) the Government through the Ministry of Lands must help Mpongwe District Council to acquire some land from the surrounding State land so that the Council can have some land for development as opposed to the current situation of trying to get from the near by villages and searching for money to compensate them;
- (k) prior to disbursement of funds, the Land Development Fund Committee should consider as one of the pre-requisites for funding, that the Council has undertaken a needs assessment; this is important so that only councils with real needs are funded. In addition, the Land Development Fund Committee needs to undertake field appraisals before disbursement; and
- (l) the Ministry of Lands should consider funding all councils in phases based on the types of works to be undertaken. This will minimise the extent of misuse or misapplication as councils found wanting will be ineligible to receive more funds.

### **PART III**

#### **CONSIDERATION OF THE ACTION-TAKEN REPORT OF THE COMMITTEE ON AGRICULTURE AND LANDS ON THE SECOND REPORT OF THE FOURTH SESSION OF THE TENTH NATIONAL ASSEMBLY**

10.0 From the Action Taken Report, your Committee noted the responses on issues raised in the previous report. However, your Committee requested further clarifications on matters set out hereunder.

##### **A. The Status of Customary Land and how it Affects the Rights of Local Indigenous Communities**

- i) *Your previous Committee recommended that the Government must put provisions in the Lands Act to protect rights of land ownership by Zambians and restrict non-Zambians from easily owning land.*

In response, the Government stated that provisions in the Lands Act of 1995 as they were in their current form did protect the rights of ownership of land by Zambians. The Act has adequate provisions which ensured that once an individual had been given land, it was secured by way of ensuring that it was put on title. As for customary land owners, they were equally protected by virtue of the fact that customary land was recognised by this Act and that customary laws in various parts of the country governing customary land administration were also recognised.

The Government further responded that it shared the concerns with the Committee that the 1995 Lands Act make it easier for Non-Zambians to own land. The Ministry of Lands would look into this issue as it finalises the Land Policy after the new Constitution has been formulated. It was anticipated that matters on land in the new Constitution would give direction on how land will be administered in this country, including restrictions on ownership of land by Non-Zambians.

**Committee's Recommendation**

Your Committee urges Government to devise a system of restricting non-Zambians from acquiring land.

- ii) *Your previous Committee recommended that speculation of land must be curbed through providing a regulatory framework for valuation of land prior to selling it.*

Government responded that it had put measures in place to ensure that land speculation was curbed. Such measures included re-entering (repossessing) land that was not developed within stipulated time. This ensured that people did not acquire land for speculation purposes. However, on the aspect of regulating valuation of land prior to selling it, Government stated that it had left this to market forces (where there was a willing seller and a willing buyer) since Zambia was now operating under a liberalised economy.

**Committee's Recommendation**

Your Committee urges the Government to delve into the effectiveness of the re-entering mechanism being employed and advises that this measure has not been effective in curbing speculation at all. Your Committee requests for a progress report on this matter.

- iii) *Your previous Committee recommended that the Government, in liaison with the local authorities countrywide, must as a matter of urgency undertake a comprehensive land audit to determine the level and extent of land use and development as well as land currently under leasehold and customary land tenure systems.*

Your Committee was informed by Government that the Ministry of Lands and the Ministry of Finance and National Planning agreed to appropriate part of the revenue collected by the Ministry of Lands for the purposes of carrying out the Land Audit exercise.

**Committee's Recommendation**

Your Committee requests for an update report on the implementation programme for the land audit.

- iv) *Your previous Committee recommended that in order to preserve customary land tenure system, Government must devise mechanisms of putting a ceiling on how much land each traditional ruler can convert into statutory leasehold.*

In response the Government stated that it had already put a ceiling on how much land a Traditional Ruler can convert into leasehold tenure. The ceiling is currently 250 hectares. Any conversion in excess of 250 hectares and up to 1000 hectares requires the approval of the Minister of Lands and any conversion in excess of 1000 hectares requires Presidential approval. Government will continue to sensitise Traditional Rulers on these ceilings.

### **Committee's Recommendation**

Your Committee resolved to restate its earlier recommendation requesting the Government to put a ceiling of the total land mass in a chiefdom that may be converted into statutory land so that a percentage of land in each chiefdom can by law remain under customary land.

- v) *Your Committee recommended that a provision allowing state land to be reconverted to traditional land must be inserted in the Lands Act where there is evidence that land has not been developed for a period of three years, in the same manner that the Commissioner of Lands can re-enter any piece of land due to non-development.*

In response to the recommendation, the Government stated that this recommendation may be considered depending on the outcome of the National Constitutional Conference deliberations and the final provision in the Constitution on land matters.

### **Committee's Recommendation**

Your Committee resolved to get an update report and re-emphasise the importance of this recommendation in light of the Constitution making process that has stalled.

- vi) *Your previous Committee had recommended that the Government must embark on sensitisation programmes aimed at enlightening the Traditional Leaders on their respective boundaries and availing them the 1958 chiefs' boundary maps.*

The Government responded that it was in the process of distributing the 1958 maps to all Chiefs through the House of Chiefs. The Ministries of Lands and Local Government and Housing had been and would continue to sensitise Traditional Rulers on their respective boundaries using the 1958 maps and also indicating to them that it was the only map that was recognised by the Government.

### **Committee's Recommendation**

Your Committee resolved that it be updated on the distribution of the 1958 boundary maps.

## **B. Tour Report**

- i) *Your previous Committee recommended that the Council and Government must survey and demarcate land given to the Local Authority by Chiefs in Solwezi District so that the process of converting the said pieces of land into statutory leasehold is completed expeditiously.*

The Government in response stated that the Ministry of Lands, upon receipt of the Plans from Solwezi District Council, will proceed to demarcate the land given to the Council by the Chiefs in Solwezi District.

### **Committee's Recommendation**

Your Committee requests for an update report on whether plans have been received and the timeframe when the demarcations will be done.

- ii) *Your previous Committee recommended that Government must undertake capacity building programmes for officers at Solwezi Municipal Council so that they are equipped with the necessary knowledge for land planning and use. This will result in properly coordinated development of Solwezi.*

The Government responded that Solwezi Municipal Council has had no functioning Planning Department to manage land development matters. Consequently, land alienation, allocation and development were done by the Engineering Services Department. The unsatisfactory state of affairs led to the revocation of the Land Agency held by Solwezi Municipal Council, whilst a team of Planners was appointed by the Secretary to the Cabinet to prepare the new Solwezi Integrated Development Plan. The Council subsequently reorganised itself leading to improvements in the Planning Department in terms of staffing. This led to improved funding from Government as well as restoration of the land allocation agency.

#### **Committee's Recommendation**

Your Committee requests for an update report on capacity building of the new staff that have now been employed in the Planning Department.

- iii) *Your previous Committee recommended that the Government needs to devise a mechanism of giving powers to Chiefs to issue legal instruments that will be used by locals as collateral for borrowing against the traditional land that they hold. This is more so in areas like Ikelenge where the Chieftainess is no longer desirous of having any of her land converted into statutory leasehold.*

In response, the Government stated that the matter concerning the issuance of certificates of land ownership on customary land by Traditional Leaders was debated by the House of Chiefs in May, 2009 and the House resolved that Government be urged to recognise certificates of land ownership issued by Chiefs on customary land'. Government is considering the resolution of the House and how it can have the force of the law. The Committee will be informed of the progress in due course.

#### **Committee's Recommendation**

Your Committee requests for an update on the progress being made by government to legitimise the issuance of certificates of land ownership on customary land by traditional rulers.

- iv) *Your previous Committee recommended that In Kalomo District, the Mutala and Chikoli State Ranches as well as the former Rural Reconstruction Centre land situated on Farm No. 73a must be re-converted into customary land to enable people who have settled there (Makalanguzu) to have permanent places of domicile.*

In response, the Government informed the Committee that currently, the Lands Act does not provide for re-conversion of land under leasehold tenure into land administered under customary tenure and as such, it is difficult to reconvert the former Rural Reconstruction Centre land situated on Farm 73a back into customary land.

#### **Committee's Recommendation**

Your Committee requests Government to recognise the rights of the squatters who have made the above areas their permanent places of residence and thus urges Government to recognise the farms as squatter land and allow them to live in those areas permanently.

- v) *Your previous Committee recommended that the Government must undertake a thorough study of the peculiarities in Kalomo District so that there is an equitable redistribution of land to the commercial farmers, settlers in the resettlement areas and the local people especially in Chief Sipatunyana's area where land pressure is more pronounced.*

The Government responded that the Ministry of Lands will undertake a thorough study of the land problems in Kalomo District to ensure that there is equitable redistribution of land, especially in Chief Sipatunyana's area where land pressure is more pronounced.

**Committee's Recommendation**

Your Committee requests for a more definitive response highlighting actual time frames and a programme of work when this activity will be undertaken.

- vi) *Your previous Committee recommended that the Government implements the recommendations of the Sakala Commission of Inquiry on the status of land in Southern Province.*

In response, the Government stated that it was awaiting the outcome on land matters in the new Constitution to determine how much of the Sakala Commission recommendations would have to be implemented.

**Committee's Recommendation**

Your Committee advises the Government that not all answers will lie in the new Constitution but rather in the various policies of government and other pieces of legislation. Your Committee, thus, urges Government that based on its study of the peculiarities of Kalomo District, some of the Sakala Commission recommendations could be implemented without waiting for the enactment of the Constitution.

Your Committee awaits a progress report.

**ACTION TAKEN REPORT OF THE FIRST REPORT OF THE FOURTH SESSION OF THE TENTH NATIONAL ASSEMBLY**

10.1 From the Action Taken Report, your Committee noted the responses on issues raised in the previous report. However, your Committee requested further clarifications on matters set out hereunder

**A. The Status of Fish Population in Zambia's Water Bodies**

- i) *Your previous Committee had recommended that the Government should urgently put in place a Fisheries Policy as is the case with other natural resource sectors like Forestry and Water.*

In response, the Government stated that the Fisheries Department had started working on the Draft Fisheries Policy in 2008. The Draft Policy had been developed and would be presented to stakeholders through various consultation processes at regional and national levels before it is finally launched.

**Committee's Recommendation**

Your Committee requests to be availed copies of the Fisheries Policy.

**B. Nitrogen Chemicals of Zambia**

- i) *Your previous Committee had recommended that the Government must consider sourcing K143 Billion to ensure that the plant is fully operational*

In response to the recommendation, the Government stated that this matter had been brought to the attention of the Ministry of Finance and National Planning and appropriate action was being taken.



Your previous Committee then requested for a progress report on the sourcing of funds to recapitalise the Nitrogen Chemicals of Zambia, particularly with respect to timeframes.

The Government has now responded that a due diligence study of the Nitrogen Chemicals of Zambia was conducted. Government is currently studying the draft report by the Consultant and the course of action will be based on findings and final recommendations of this study.

#### **Committee's Recommendation**

The Committee requests for a progress report on this matter.

- ii) *Your previous Committee had recommended that Government must make prompt payments to NCZ and other suppliers to avoid huge interests accruing on loans acquired from lending financial institutions.*

In its response, the Government noted the recommendation. It stated that it is the desire of the Government to pay all its obligations on time. However, due to numerous competing demands, payments were in some cases delayed. Payment of suppliers depends on timely availability of funds. Payments to suppliers are, therefore, made as and when funds are made available by the Treasury. In case of NCZ, payments have been made to the company to produce the 20,000 metric tonnes of D-Compound fertilizer for the 2010/2011 Farmer Input Support Programme (FISP) and to clear some of their outstanding debts with suppliers.

#### **Committees' Recommendation**

Your Committee requests to know whether the provision of business to Nitrogen Chemicals of Zambia is a way of paying off the old debts that Government owes the Company.

#### **C. Siavonga, Namwala, Itezhi-Tezhi, Mongu and Sefula**

- i) *Your previous Committee had recommended that Government should ensure that all feeder roads are rehabilitated to enable Extension Officers reach remote areas and accord farmers, opportunity to market their merchandise.*

In response, the Government stated that the rehabilitation of most feeder roads is the responsibility of District Councils who work in consultation with the Road Development Agency (RDA).

Your previous Committee then urged Government to ensure that feeder roads were regularly maintained and rehabilitated as recommended.

Government in its response informed the Committee that the Ministry of Works and Supply and the Ministry of Local Government and Housing signed a Memorandum of Understanding on 26th July, 2009 stipulating that planning and implementation of the rehabilitation and maintenance works on the Feeder Roads are the responsibility of Ministry of Local Government and Housing. The RDA's role is to receive, consider and approve Work Plans for Local Road Authorities from the Ministry of Local Government and Housing.

The rehabilitation and maintenance budgets for the feeder roads have been included in the Draft 2011 Annual Work Plan. The feeder roads have also been included in the Draft Sixth National Development Plan (SNDP) and it is envisaged to rehabilitate over 7,000km of feeder roads for the next five years. Maintenance on the other hand will cover the entire 15,000km of the feeder roads over the SNDP period.

### **Committee's Recommendation**

Your Committee noted the response and re-stated that its recommendations were to the entire Government and not to isolated ministries or departments. Your Committee, requests to know how much of the 7,000 km has so far been done.

- ii) *Your previous Committee had recommended that Government must adequately fund the Ministry of Livestock and Fisheries to enable it procure patrol boats and conduct patrols.*

The Government in its response noted the recommendation.

Your previous Committee then requested for a progress report on whether the Government had procured patrol boats.

In response, the Government informed the Committee that no patrol boats had been procured, but instead, the Ministry of Livestock and Fisheries Development bought two fishing vessels of which one is fully paid for while part payment had been made for the second one.

### **Committee's Recommendation**

The Committee requests for a progress report on Government's undertaking to procure patrol boats.

## **ACTION-TAKEN REPORT OF THE PREVIOUS COMMITTEE'S REPORT OF 2008**

10.2 From the Action Taken Report, your Committee noted the responses on issues raised in the previous report. However, your Committee requested further clarifications on matters set out hereunder

### **The Status of Cattle Diseases in the Country**

- i) *Your previous Committee had requested for information on the status of the human resource as deployed in the Department of Veterinary and Livestock Development starting at camp level.*

The Government in its response stated that it was implementing the Departmental Structure that was approved by Cabinet Office specialists. A total of 700 Veterinary Camps existed and 500 of these were manned. More officers, however, still needed to be employed.

Your previous Committee then commended the Government for the strides made in operationalising the department but urged Government to ensure that all camps were re-demarcated and sufficiently manned.

The Government in its response acknowledged the Committee's commendation. It stated that Cabinet authority had already been granted to employ more staff. However, the Ministry of Livestock and Fisheries Development was awaiting Treasury Authority from the Ministry of Finance and National Planning before deploying more officers to the Veterinary Camps.

### **Committee's Recommendation**

Your Committee requests for a progress report, as it is only through having a full staff establishment that the Government efforts will be implemented more efficiently and effectively.

- ii) *Your previous Committee had requested for information on the establishment of quarantine stations for the monitoring and verification of animals in transit.*

The Government in response submitted that the Department of Livestock had embarked on rehabilitation of quarantine stations in the country which had remained in a poor state for a long time. The targeted ones included Feni in Chipata District, Kazungula in Kazungula District, Lusaka Airport in Lusaka District and Simoonga in Livingstone District.

Your previous Committee requested for a progress report on the rehabilitation process of quarantine stations.

The Government responded that rehabilitation works had commenced at the Lusaka Airport Quarantine Station for the monitoring and verification of animals in transit. However, the release of funds was still being awaited before rehabilitation works could commence at Feni in Chipata District, Kazungula in Kazungula District and Simoonga in Livingstone District.

#### **Committee's Recommendation**

Your Committee requests for a progress report for Lusaka Airport as well as the pending works at Feni, Kazungula and Simoonga. The Committee is further dismayed at the slow pace of implementation of the works.

- iii) *Your previous Committee had recommended that they must be furnished with a progress report on the reconstruction of Cordon lines and recruitment of maintenance guards to ensure compliance in the movement of cattle.*

In response, the Government stated that reconstruction of cordon line was embarked in 2007 and the Western Province stretch had been completed while all materials for the 700km stretch of the cordon line in North-Western were procured but no funds were made available to commence the construction works.

Further Government stated that employment of cordon guards was partially done due to limited funds. As a result, some portions of the reconstructed line which have remained unguarded have fallen into a state of disrepair.

The previous Committee urged Government to exhibit commitment with specified time frames on how the process of reconstruction of Cordon lines and recruitment of maintenance guards was being implemented.

Your Government in its response noted your previous Committee's concern. Government further informed your Committee that 50 per cent of the Cordon Line had been completed. In the 2010 Budget, K163,680,748 had been allocated to the monitoring and maintenance of the Cordon Line whilst K150,527,764 had been allocated in the 2011 Budget for this activity.

#### **Committee's Recommendation**

Your Committee noted the works done so far but requests for a progress report on when the other 50% of the works would be done as the budget allocations were meant for monitoring and maintenance activities only.

- iv) *Your previous Committee had recommended that Government should actualise plans for the establishment of a Livestock Marketing Institution to guarantee a ready market for livestock farmers.*

In response, the Government stated that it had no plans to establish a Livestock Marketing Institution but rather would assist in setting up linkages between the producers of livestock and the market. Government was thus in the process of setting up Livestock Market Centres where trade could be carried out in a conducive environment.

Your previous Committee then requested for a progress report on the setting up of Livestock Market Centres.

The Government responded that the Ministry of Livestock & Fisheries Development was currently setting up Livestock Service Centers at three (3) levels or tiers. The first tier Service Centres would have a cattle crush pen and a holding pen. The key feature of this type of Service Centre was that it will be unmanned. Farmers will trek their animals to the Service Centres on pre-selected days for purposes of accessing various livestock services. Tier two Service Centres would have all the features in tier one, but in addition will have a camp house, office accommodation, a dip tank and a training shed. It will also have livestock demonstration facilities such as pasture/forage plots and feed mixing equipment. Tier three Service Centres will have all the features of tier two, but in addition will have a marketing component.

The marketing component would have a cattle observation terrace and catwalk erected near the holding pen. The farmers, together with the Ministry of Livestock and Fisheries Development, will run these facilities and on market days, all those involved in the marketing of livestock will be present such as the Council, Police and Veterinary Department.

Activities to start establishing these Livestock Service Centers are underway in Southern Province (Choma, Mazabuka, Kalomo, Monze, Namwala and Kazungula), Eastern Province (Chipata, Petauke, Lundazi, Nyimba and Katete), Western Province (Senanga, Kalabo, Sesheke, Lukulu and Shangombo) and in Central Province (Mumbwa, Kapiri Mposhi, Kabwe and Mkushi).

The Livestock Service Centers are intended to help reduce livestock diseases, livestock theft, as well as provide farmers with a better price for their animals.

#### **Committee's Recommendation**

Your Committee requests for an update report on the establishment of Livestock Service Centres.

#### **CONCLUSION**

11. Your Committee is indebted to you, Mr Speaker, for appointing it to this Committee and for the guidance given to it throughout its deliberations. It further wishes to express its gratitude to all the witnesses that submitted memoranda and appeared before it.

Your Committee also wish to express its appreciation to the Office of the Clerk for the services rendered throughout its deliberations.

February, 2011  
**LUSAKA**

F B Sinyangwe, MP  
**CHAIRPERSON**