

Theme: *Agile Public Administration: Partnership and Digital Transformation for Citizen Centric Service Delivery.*



KINGDOM OF ESWATINI



MINISTRY OF PUBLIC SERVICE

AFRICAN ASSOCIATION FOR
PUBLIC ADMINISTRATION AND
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AAPAM 44th ROUNDTABLE CONFERENCE

Theme: Agile Public Administration

*Partnership and Digital Transformation for
Citizen-Centric Service Delivery*



**Esibayeni Lodge, Matsapha
Kingdom of Eswatini**



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AAPAM 44TH ROUND TABLE CONFERENCE

Paper Title: *Traditional Leadership and State Partnerships in Land Governance: Pathways for Sustainable Rural Development in Zambia: Evidence from selected Local Authorities and Traditional leaders.*



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Presentation Outline

- Background & Context
- Problem Statement
- Theoretical Framework
- Key Findings
- Proposed Harmonized Land Governance Framework
- Policy Implications
- Conclusion
- Recommendations

Background & Context

- Land is the foundation of Zambia's rural economy
- 60% population lives in rural areas
- Zambia has Dual land tenure systems; However, dual land systems presents governance challenges
- Sustainable development requires institutional collaboration

Quote: "Secure land access is essential for food security, poverty reduction, and sustainable development."

Background & Context

State Land (6%)

- Administered by government
- Titled and leasehold
- Managed by Commissioner of Lands
- Local authorities are agents of land at local level

Customary Land (94%)

- Administered by traditional leaders
- Untitled, regulated by local norms
- At times can be normalized and titled through local authorities
- Chiefs and Headpersons as custodians
- Challenge: Weak coordination between systems leads to disputes and tenure insecurity

Problem Statement

- Proper Land Governance is a critical prerequisite to Sustainable Rural Development outcomes.
- Despite the existence of Land Governance Policy frameworks implementation is inconsistent.
- The existence of a dual land tenure system, i.e. statutory and traditional land leads to complexities requiring harmonization between the various actors in land governance.
- The dual system leads to contested ownership, unrecognized instruments, legal loopholes, tenure insecurities, and elite capture, hinderances to sustainable rural development.

Problem Statement

- **Contested Ownership:** The Constitution vests land in the President, a provision contested by Chiefs who argue it undermines their authority (Kanyanat, 2014)
- **Legal Loopholes:** The foundational Lands Act of 1995 has "many loopholes," failing to secure customary tenure (Palmer et al., 2009; Phiri, 2021).
- The national land act was recently implemented (2021)...yet to see its effectiveness
- The dual system, with conflicting rules and legal uncertainty creates a need for a better-structured partnership in land governance.

THEORETICAL FRAMEWORK

□ Institutional Analysis & Development (IAD) Framework

- Maps actors, rules, and interactions
- Analyzes institutional structures
- Identifies patterns of cooperation/conflict

Good Governance Theory

- Evaluates transparency, accountability
- Assesses participation, equity
- Measures effectiveness and efficiency

Research Methodology

□ Approach

- Qualitative, exploratory design
- Constructivist paradigm
- Primary data: Semi-structured interviews
- Secondary data: Document analysis

Data analysis: Thematic and content analysis

□ Participants

- Traditional leaders
- Local authority employees
- Purposive sampling

KEY FINDING 1: OVERLAPPING AUTHORITIES

- State vs traditional authority overlap

Direct Quotes:

"The proportional distribution of land is very difficult to determine due to the dual tenure system" - *Eastern Province respondent*

"The total area of statutory authority land is 32,000 Hectares, While traditional land..." - *Northwestern Province respondent*

Challenge: Lack of clarity on land proportions and mandates

KEY FINDING 2: FRAGILE PARTNERSHIPS

Partnership Challenges:

- Dependent on individual relationships
- Varies by traditional leadership
- Inconsistent implementation

Respondent Voices:

"The partnership depends with the type of traditional leadership..." - *Muchinga Province*

"Despite the recognition of the need for co-existence... the relationship has not been too well" - *Eastern Province*

KEY FINDING 3: TENURE PREFERENCES

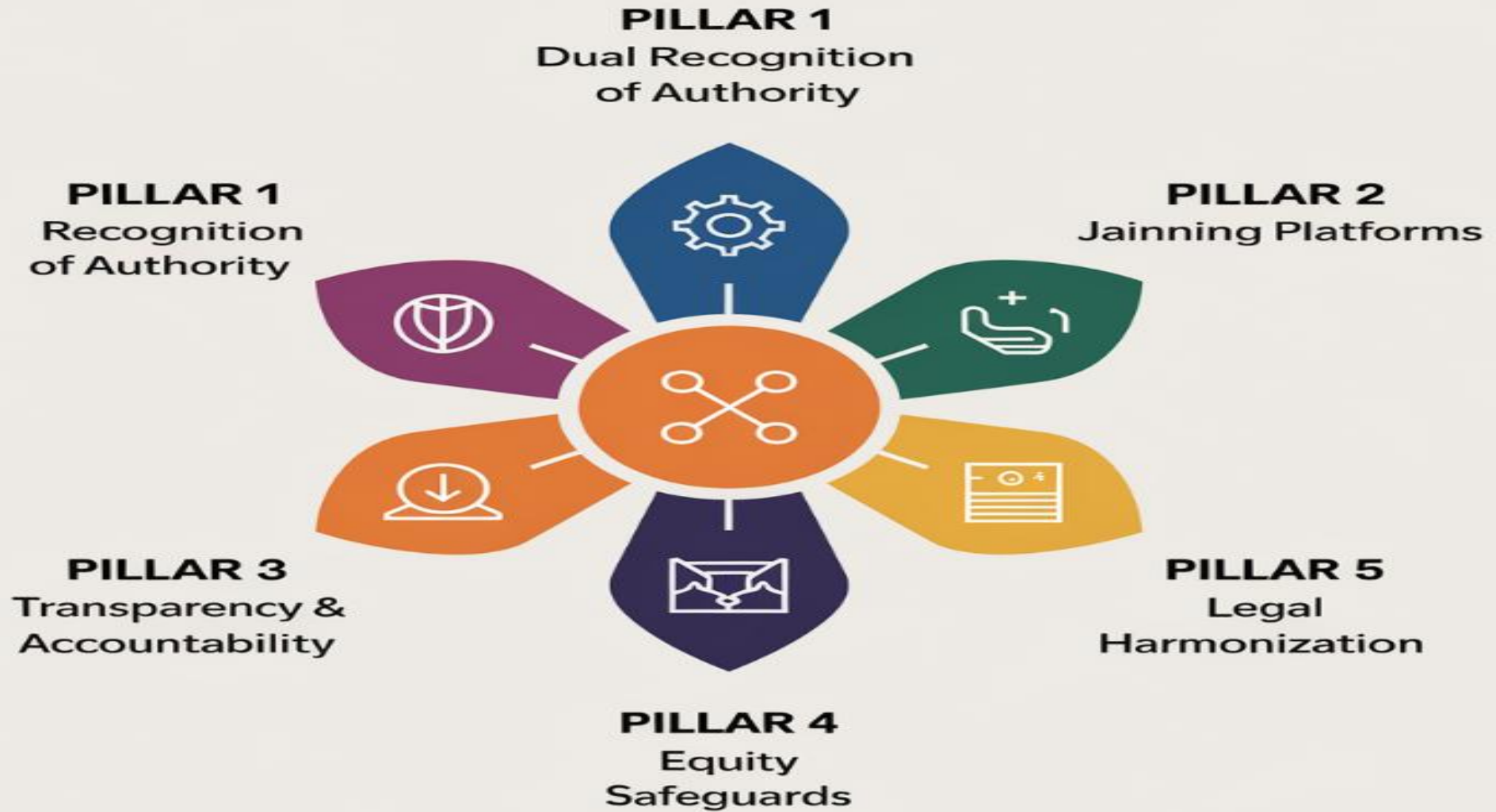
❑ Customary Land

- Easier to access
- Cheaper
- Less bureaucratic
- Culturally familiar

❑ Statutory Land

- More secure tenure
- 99-year leases possible
- Better for investment
- Formal recognition

Proposed Governance Model



Conclusion

Key Takeaways

- Traditional authorities remain central to land governance
- Current dual system creates tensions and inefficiencies
- Institutionalized partnership model needed
- HLGF can bridge the statutory-customary divide
- HLGF is essential for sustainable rural development and the achievement of SDGs

POLICY RECOMMENDATIONS

1. Enhance Documentation

- Systematically record customary land ownership
- Develop local land registries

2. Mandate Partnerships

- Amend legislation for required collaboration
- Formalize state-customary cooperation

3. Strengthen Decentralization

- Devolve land administration functions
- Build local institutional capacity

Selected References

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Constitution of Zambia (1991; amended 2016)

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Phiri, D. (2021). A legal analysis of disjunctions between statutory and customary land tenure regimes in Zambia (YARA Working Paper 3). Institute for Poverty, Land and Agrarian Studies, University of the Western Cape.

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World Bank (2016). Zambia Land Governance Assessment

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Q&A

- Thank you for your attention, I invite Questions & Discussion

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