

# Mining developments and land acquisition processes in Zambia

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## Abstract

Zambia has in the last two decades experienced a resurgence of the mining industry due to increased global commodity prices. This has in turn led to the development of new mine projects and large-scale land acquisitions. Most often, these large-scale land acquisitions for mining purposes take place on customary land which results in displacement and disruptions of rural livelihoods. Using a sociological lens, I discuss in this paper, the contestations and socio-economic disruptions that arise from the processes of acquiring land for the purpose of mining. I also leveraging on three case studies to propose tenets of an alternative and standardised process for land allocation that allows for better negotiation and compensation for rural residents in countries with weak institutions.

**Keywords:** mining, customary land, processes, land acquisition, allocation, Zambia



## 1. Introduction

Many countries in Africa have witnessed a rise in large-scale land acquisitions due to many development projects taking place such as mining, dam developments for hydro-electricity production, commercial agriculture, etc. These large-scale land acquisitions can be attributed to the fact that most of the African countries particularly in sub-Saharan in the early 1990s, went through structural adjustment programs and new policies which aimed at recognizing customary rights and liberalizing the land market (German *et al* 2011). Among other new policies introduced, were land reforms aimed at allowing rural development through foreign direct investments (FDI). Often, these land reforms have caused contestations particularly in customary areas where land acquisition and allocation processes take place, and Zambia is no exception to this phenomenon. This paper discusses contestations and socio-economic disruptions arising from processes of acquiring large-scale land for purposes of mining in Zambia. This paper situates itself in the broader debates of large-scale land acquisitions.

Most of the new mine developments in Zambia like in many places in Africa, have often taken place on customary land. This suggests that traditional authorities who are normally the custodian of customary land which they hold on behalf of rural communities, need to be engaged in order to acquire land for large-scale mining projects. However, in the three cases discussed in this paper, it is evident that the processes of land acquisitions and allocation varied to a certain extent depending on the area and the role traditional authorities followed on allocating customary land for purposes of mining. In this paper, I therefore argue that, there are no written standard guidelines or policy stipulating how customary land should be allocated (in areas practicing customary tenure). Such situations have often given rise to contestations over how land is administered or negotiated for among various stakeholders involved in the process. Further, the rural communities affected by such large-scale land acquisitions rarely or effectively participate in the negotiation processes of their land, and compensation packages.

This paper is divided into five sections. From the introduction, is the second section which discusses literature on land tenure and administration in Zambia, and mining development and large-scale land acquisition in Zambia. The third section highlights the methodology and profiles the case study sites which are Lumwana, Kalumbila and Munali Nickel mine projects. Forth section discusses the findings on the contestations and socio-economic disruptions arising from the processes of acquiring large-scale land for mining as observed in each of the three case studies. Then, the last section is the conclusion, which also proposes tenets (guidelines) of an alternative standardized process for land allocation that allows for better negotiation and compensation for rural residents in countries with weak institutions.

## 2. Literature

### 2.1. Land tenure and administration in Zambia

Land in Zambia is prescribed under two tenure systems which are ‘customary’ and ‘leasehold’ (Land Act 1995). Currently, customary land constitutes 53.8 % of total land in Zambia (which is 752,000 km<sup>2</sup>), while state land is at 8.8% and the remainder is public land with 37.4 % (Chitonge 2018, Mulowa 2016, Sikamo *et al.* 2015). Land which falls under customary tenure was formally *Native Reserve* and *Trust land* in the colonial and pre-independence Zambia and was set aside for native Africans. From pre-independence to date, customary land has been managed using customary law. It is held in the custody of a person of a chief, on behalf of the rural community members, and is communally owned (Roth 1995). The chiefs or traditional authorities with the help of headmen, administer the allocation of customary land for rural community use and occupancy, and anyone else outside the community seeking to acquire land for private use or investment purposes. Customary land does not have any form of registration or ownership rights (*ibid.*). Some scholars have argued that the lack of ownership rights or form of certification, makes customary land insecure because the rights are not recognized and protected by law, particularly for rural residents or communities who derive a living from this land (Mudenda 2006, Roth 1995).

Then land which is under leasehold tenure in Zambia, is known as ‘State land’. The term of leasehold is limited to a maximum of 99 years. The other terms of leases include 14-year leases which are provisional, 30-year leases for resettlement schemes, 30-year occupancy licences for housing improvement areas, and 10-year land records which are issued by local authorities (Chitonge 2018, Mulolwa 2016, Hansugule 2002). During the colonial era and pre-independence Zambia, leasehold or state land was referred to as *Crown land* and was managed by British statutory law. It was the best land (for farming and had minerals) which was situated along the line of rail and was reserved for white settlers only. *Crown land* was managed under freeholds and leaseholds (with 99 lease) (Van Loenen 1999). After Zambia gained its independence (1964), *Crown land* fell under the state control and has since been managed by the Ministry of Lands and Natural Resources. In 1975 the socialist government under the United National Independence Party (UNIP) radically changed the Land (Conversion of Titles) Act. Among other provisions, the amended Act vested all land in the President who held it in perpetuity of the Zambian people. The Act also did not allow for private ownership of land because all land was declared not saleable or a mortgageable commodity, as it was nationalised. Land was rendered to have no value, and any non-Zambian who wished to acquire any land were prohibited, unless they got consent through the president. This made it difficult for Zambia to attract any foreign investments (Van Loenen 1999).

In 1991, a new government was elected under the Movement for Multiparty Democracy (MMD), promised to change the socialist policies. Thus, the MMD proposed new policy reforms (during the structural adjustment program – SAP period from 1991-2001), which included the land reforms. The

land reforms sought to institute a system which would attach economic value to undeveloped land and reward the private titling of customary land so that investors could access it easily (Tagliarino 2014, Brown 2005). Thus, the aim of titling land was to make it more secure and allow it to be used as collateral for any financial credit. To regulate these land reforms, the 1995 Land Act was passed, and continues to allow all land to be vested in the President on behalf of the Zambian people. Among other provisions, the Act also has made it possible for land to have a market value, allows non-Zambians to acquire land with the consent of the president, and also continues to recognise customary tenure and law (GRZ 2016, Land Act 1995).

#### Customary Land acquisition processes

In Zambia, anyone holding or wishing to acquire customary land, and wishes to convert it to leasehold, must seek the approval of three authorities, these being: the traditional authorities or chief(s), the District Council and the Commissioner of Lands (who act on behalf of the president) (Administrative Circular No 1, 1985). According to the Land Act 1995, in Part II, Sec. 8. (1) ‘... any person who holds land under customary tenure may convert it into a leasehold tenure not exceeding ninety-nine years.’ And further, in the same Act, sec. 8 (2) states that, ‘the conversion of rights from a customary tenure to a leasehold tenure shall have effect only after the approval of the chief and the local authorities in whose area the land to be converted is situated, [...] the land to be converted shall have been identified by a plan showing the exact extent of the land to be converted’. So, the approval by the chief takes the form of a written consent, which is given to the applicant to submit to the District Council, where further recommendations are made to the Commissioner of Lands (Administrative Circular No 1, 1985). If the applicant of land is non-Zambian, then they must seek approval from the President according to the provisions made in the Land Act 1995, Part II sec. 3 (a) to (k). However, the President may not alienate any land in the customary area without the approval of the chiefs and local authorities.

## 2.2. Mining development and large-scale land acquisition in Zambia

In the last twenty years, Zambia like many African countries has been in the forefront of promoting large-scale investments, which have often been driven by foreign governments or corporations (Schoneveld *et al.* 2014). These large-scale investments have mainly been in mining, dam developments, tourism, agriculture, game-farming, etc. Most often, these investments have taken place in rural areas where most of the land is managed under customary tenure, resulting in land conversions, displacement and disruptions of rural livelihoods. In this paper, the focus is on large-scale land acquisition associated with mining projects in the post-privatisation era (after 2000s).

The mining industry in Zambia has been the economic back-bone of the country from the early 20<sup>th</sup> Century and continues to be so today. During the 1990s, Zambia witnessed the expansion and development of new large-scale mines, which allowed conversions of large tracts of land from customary to leasehold

tenure (Schoneveld *et al.* 2014, Ministry of Mines, Energy and Water Development 2013). The increase of these mines was stimulated by two main reason. The first was the structural adjustment programs and introduction of the new neo-liberal policies which allowed for land to have a market value. The second reason which also caused a rise in mine developments, was an increase in commodity prices on the international market which gave many resource-based countries confidence to promote foreign direct investments particularly in resource-rich counties like Zambia.

Following the introduction of the new neo-liberal polices such as the land reforms, this gave investors (both local and non-Zambians) the opportunity to hold land for a period of 99 years leasehold, and other varied duration depending on the proposed use on customary land (Munshifwa 2018, GRZ 1995). Often, Customary land is converted to leasehold, but the later cannot be converted back to customary land (Chitonge 2018). So, when large-scale land is acquired for mining, the investor can engage the Zambia Development Agency (ZDA) for land or assistance in acquiring land, or alternatively negotiate for land from chiefs or traditional authorities (Zambia Investment Business n.d.). Process of acquiring land from traditional authorities can be tedious and sometimes problematic as it may involve both informal and formal process. The informal processes of land acquisition may vary across different cultures in customary areas. This has the potential to delay progress when it comes to prospecting or mining (Chu and Phiri 2015), particularly when there are no proper guidelines of administering customary land. Therefore, this paper discusses contestations around large-scale land acquisitions in customary areas in Zambia. The paper also proposes alternative standardized tenets or guidelines that could help reduce contestations that surround the process of land acquisitions in customary areas with such weak institutions.

### **3. Methodology**

In this paper, I use three greenfield mine case studies namely, Lumwana, Kalumbila and Munali Nickel mine projects to discuss the contestations and socio-economic disruptions arising from processes used in acquiring land for mine purposes, in customary areas where these projects were established. Two forms of data collection are used in this paper, and these are primary and secondary methods. Thus, in the case of Lumwana mine project (LMP), I used primary data coming from my current research work in Kalumbila district, north-western Zambia. Then for Kalumbila and Munali Nickel mine projects, I use secondary data compiled from desktop research, reports and other relevant documents.

#### **3.1. Location of the three mine case studies in Zambia**

Figure 1. below, shows the location of the three mine case studies in Zambia. These being Lumwana, Kalumbila and Munali Nickel mine projects.

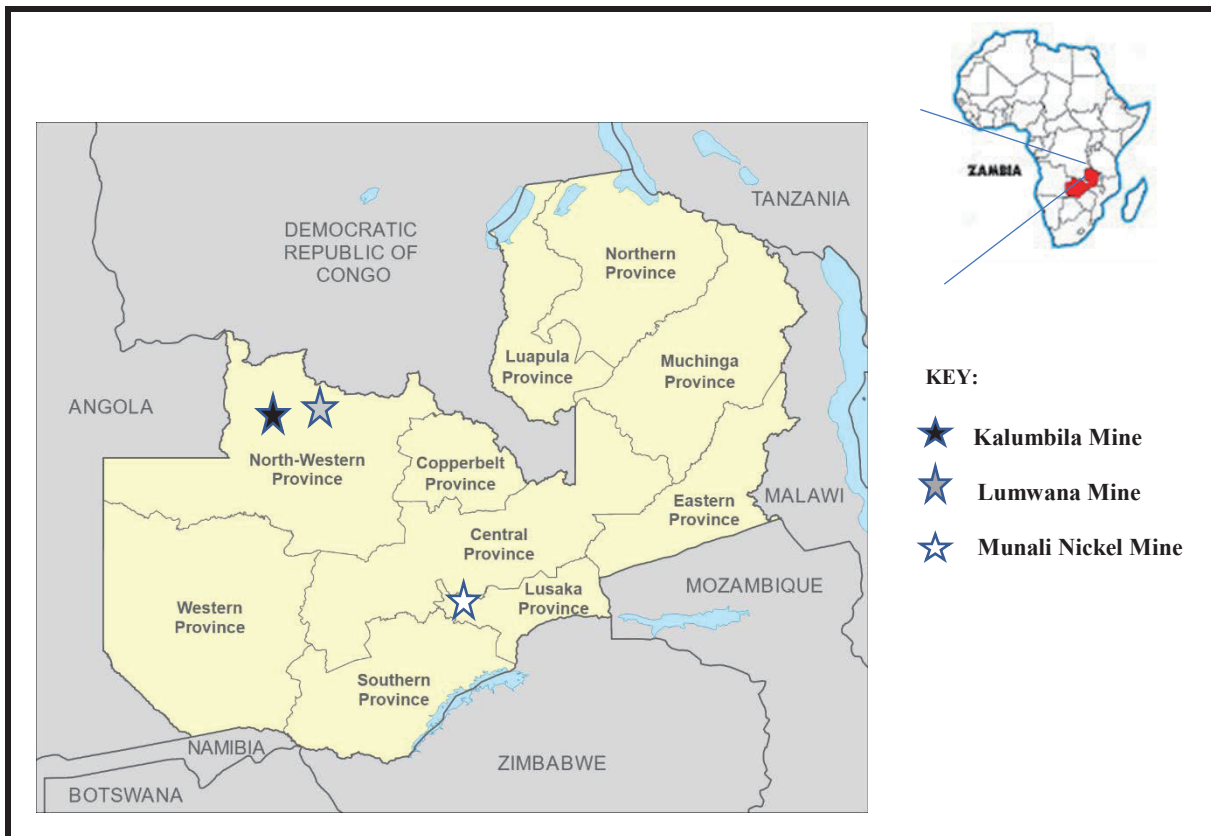


Figure 1. Location of Lumwana, Kalumbila and Munali Nickel mine projects in Zambia

### 3.2. Overview of the three mine case studies

#### Case 1: Lumwana Mine Project (LMP)

LMP is a greenfield, open-cast large-scale mine. It is situated in Lumwana area (constituting Mukumbi, Matebo and Mumena chiefdoms), which is about 65km west of the provincial capital - Solwezi, along the T-5 North-West Highway to Mwinilunga, in the new Kalumbila District, North-western Zambia (Barrick Gold Corporation 2014.) The mine was commissioned in 2008. The mine has a licence area of 1,355 km<sup>2</sup> which includes the two major copper deposits - *Malundwe* and *Chimwungo* together with numerous exploration prospects which make up the Lumwana project (Barrick Gold Corporation 2014, Equinox Copper Ventures Limited 2005). The mine is operated by Lumwana Mine Company Limited (LMCL) which is owned by a Canadian based company called Barrick Gold Cooperation. Most of the land where the LMP is operating from, is under customary tenure except for land owned by the two large-scale mines namely, LMP and Kalumbila Mine Limited (KML), a few private businesses and farm blocks which are held under the leasehold tenure. The establishment of LMP resulted in the displacement of about 108 rural residents in Lumwana from their agricultural (farm) land. These displacements also caused socio-economic disruptions for those affected.

### **Case 2: Kalumbila Minerals Limited (KML) – Trident Project**

Like Lumwana mine project, the KML -Trident project (which I also refer to as Kalumbila Mine in Figure 1 above) is also a greenfield, open-cast large-scale mine. It is situated in Musele chiefdom in the new Kalumbila district, in the North-western province of Zambia. It is approximately 150 km west of the town of Solwezi (First Quantum Mineral Limited 2015). The mine is solely owned by First Quantum Minerals (FQM), which also owns Kansanshi mine located in Solwezi town. The Kalumbila Minerals Limited (KML) runs the Trident Project, which includes two development projects namely, *Sentinel* and *Enterprise*. The *Sentinel* deposit is a copper orebody and the *Enterprise* deposit is a nickel orebody. The project currently has a licence area of 518 km<sup>2</sup> (Mumba 2014, First Quantum Mineral Limited 2015). The mine was officially open in 2014, and mainly mines copper with other minerals such as nickel, cobalt, gold, silver, iron and selenium. Before the mine, the area was all customary land and rural residents used the land for mainly subsistence agriculture. The coming of the KML and its acquisition of large-scale land for the purpose of mining, resulted in the displacement of approximately 566 rural residents in the Musele chiefdom (Chu and Phiri 2015).

### **Case 3: Munali Nickel Mine Project (MNMP)**

The Munali Nickel mine project is a greenfield, large-scale underground mine project, which is situated in Naluama chiefdom, in Mazabuka district in Southern province of Zambia. The mine is approximately 60 km south-east of Lusaka - the capital city of Zambia. The mine has a licence area of 238.69 km<sup>2</sup> (Mungu 2017, African Mining Consultants Limited 2006). And it was officially opened in 2006 (Mungu 2017, African Mining Consultants Limited 2006). The mine project consists of two deposits which are *Enterprise* (also known as Munali Phase 1) and *Voyager*. Although the Munali is labelled as a nickel project, it also contains commercial quantities of copper, cobalt and platinum group metals (PGMs) (ibid). MNMP was first owned by Albidon, a Zambian registered company. Albidon, was solely owned by a subsidiary of an integrated Australian explorer and resource development company listed on the London and Australian Stock Exchange markets (ibid). Between 2011 and 2013 the MNMP was owned based on a partnership between Albidon and Jinchuan (a Chinese based company) following financial challenges and temporal closure the mine faced, as a result of a slump in prices of nickel on the international market (Mungu 2017). In 2013, Jinchuan acquired 100% shares of MNMP from Albidon (Zambia) Limited. Currently, the mine is being run by Mabiza Resources Limited (MRL) on behalf on Jinchuan. MRL is a local subsidiary of Consolidated Nickel Mines which is based in London. In the case of MNMP, a total 79 rural residents were affected by the construction of the mine. However, these numbers increased with time.

#### **4. Findings and discussion: Contestation around land acquisitions for mining in Zambia**

This section of the paper discusses the contestations and socio-economic disruptions arising from large-scale land acquisitions in the case of Lumwana, Kalumbila and Munali mine projects situated in Zambia.

##### **Case 1: Lumwana Mine Project (LMP)**

In the case of Lumwana, the contestations around land acquisition were mainly on power struggles between traditional authorities and government (state) on allocation of land, failure for the mine investors to fulfil the promises made during land negotiations. Further, the other contestation was on lack of participation and inadequate compensation for rural residents of Lumwana, particularly those who were affected by socio-economic disruptions caused by large-scale land acquisitions to pave way for the LMP.

Regarding the traditional authorities and government, one of the contestations was around power struggles, when it came to who has the right to allocate customary land for mining investments purposes. Thus, during my fieldwork in Lumwana, one of the traditional authorities I interviewed stated that:

They (investors) got the land, it's all there in the reports. Although we were talking, they (investors) were not seeking permission, no. We sent the document which indicated that they have 17 years to operate there. [...] They (investors) signed the surface rights for 17 years and that is when they had this land. We did participate, but we didn't know what we were doing. By then we didn't understand about the mines. We were only told that we are coming here to begin operating the mine. Mainly it is government which gave out the land (interview with chief 1, 8 March 2017).

Considering the excerpt above, it can be argued that even though the traditional authorities had signed off their land for the LMP during the land negotiations process, they believed that their land had already been pre-allocated to the mine investors by government before they were even engaged. This is evidenced in the manner the mine investors sought to acquire land for the LMP. Thus, they did not seek for any permission but rather, informed the traditional authorities in Lumwana that they were coming to begin mining operations in their territories. This was done in the presence of government consultants and representatives from various relevant departments, mining legal consultants, and a few headmen who constituted the land negotiation committee for Lumwana. This did not seem to sit well with the traditional authorities in Lumwana, as it undermined their authority to administer customary land, which they hold on behalf of rural communities. Also, the chiefs felt intimidated by the lack of support by government when the investor made their claim that they were coming to open a mine in their territory. Further, another traditional authority asserted that:



[...] I think they (the mine investors) [...] came with tact when they came for negotiations, but we also had to make certain demands such as: employment for our people, ‘Oh that one we’ll do’; helping us with more schools, ‘Aah, we are a big company that is simple’, this and that and that? ‘We’ll do’ (these were the responses from the mine investors at the time of land negotiations) (interview with Chief 2, 17 March 2017).

The narrative above shows that, during the land negotiation process, the LMP investors also used tact in convincing the traditional authorities to realise the benefits the mine project could bring in their territory. Promises like job creation, building of school infrastructure, etc., for rural residents in Lumwana were made by the mine investors to persuade the traditional authorities as they made certain demands to benefit and develop their communities where the project would operate from. However, years later, some of the promises made by the mine investors did not follow through like reserving all unskilled and semi-skilled employment for rural residents in Lumwana. This angered both the traditional authorities and rural residents as most of the jobs offered by the mine were given to ‘outsiders’ from the Copperbelt province mainly and other parts of Zambia. The traditional authorities confronted the mine investors to rectify their employment concerns as promised during the land negotiations (interviews with rural residents and traditional authorities, 2017).

The contestation between the rural residents and their traditional authorities were on mainly on little or no proper consultation and participation of rural residents in the land negotiations process for the LMP, and inadequate compensation for loss of their agricultural land. One of the rural residents affected by displacement due to the LMP project narrated that:

What happened in 2005, let me say in the early 2000s when the mine owners had done there explorations, thus before the mine was established by Equinox then. We were called by the chief, us the local people, and we all gathered. We were informed by the chief that, ‘my people, this area where you are currently farming, I have given it out to the mine. What will follow is that you will be given money. That is those of you who have been farming in this proposed mine area, you will be given some money, they will compensate you’. That was what happened. We were not consulted so-to-say (interview with Respondent 3, 20 March 2017).

Based on the excerpt above, the rural residents who were affected by the coming of the mine project were called by their traditional authority and merely informed that their land which they relied on for subsistence farming and rearing of livestock for their livelihood had been given out. The rural residents complained that they were not consulted or participated in the land negotiation process. This created

mistrust and loss of confidence in their traditional leaders, as the displaced residents wondered whether their needs were well considered, particularly when it came to compensation. This was reiterated by many displaced residents who were interviewed. Further, on compensation, many displaced residents were unhappy because the compensation was not significant, as they felt they were underpaid for their land and crops in the fields (interview with displaced rural residents 2017).

### **Case 2: Kalumbila Minerals Limited (KML) – Trident Project**

The Kalumbila mine case also suggests large-scale land acquisition by the First Quantum Minerals Limited (FQM) to facilitate the establishment of the Kalumbila Trident mine project. The project is in Musele chiefdom, not far from the three Lumwana chiefdoms. The contestations in the Kalumbila case were mainly about size of land to be alienated for mining, and the mine investors for Kalumbila Trident mine project (thus FQM) not following the due process in acquiring the customary in Musele chiefdom (Lusaka Times 2011).

Right after being granted the large-scale mining licences by the Ministry of Mines and Mineral Development, FQM proceeded in engagement with ZDA to start the process of acquiring land and permits. However, this process was delayed. Agreements were conducted with the traditional authority in Musele chiefdom so that FQM could get the surface rights (Chu and Phiri 2015). Initially, FQM indicated surface rights for an area of 750km<sup>2</sup>, but this was contested by the chief who refused to sign the surface agreement until the land requested for by the FQM was reduced. According to chief Musele, he argued that ‘if the mine is given that much land (750 km<sup>2</sup>), his people would have nowhere to settle and do their farming activities from, because the whole area would be taken up (by the mine)’. Further the chief also complained about the gaps in the way information flowed between the two parties and cited that the non-availability of the map which clearly stated the boundaries of the mine as well as the non-disclosure of the number of people to be displaced by the mine was a cause for concern (Lusaka Times 2011). After the strong contestation on the land size, finally the FQM mine investors reduced the land to its present size of 518km<sup>2</sup> (51,800 ha). In an article by Mumba (2014), published by the *Zambian Mining Magazine*, it was reported that:

The Zambia Environmental Management Agency (ZEMA) mid last year ordered FQM to stop developing its Kalumbila mine project until controversial issues surrounding the development of the mines are settled.

The environmental agency disclosed that FQM had acquired 50,000-hectare surface rights without following procedure as they did not obtain presidential consent as required by law (Mumba, 2014).

Considering the excerpt above, FQM could not be allowed to continue prospecting as they did not get additional consent from the President through the Ministry of Lands, so that they could be issued with a leasehold title for land. According to the Lands Act, Chapter 184 of the Laws of Zambia, it states that “Except for a right which may arise under any other law in Zambia, no title, other than a right to the use and occupation of any land under customary tenure claimed by a person, shall be valid unless it has been confirmed by the chief, and a lease granted by, the President.” In the case of FQM, they did not seek presidential consent after acquiring surface rights from the traditional authority. This raised a lot of controversies that due process of acquiring large-scale land was not followed by FQM. Further, the sitting president at the time, Michael Sata had to constitute a task force to probe the acquisition of the land by FQM for the Kalumbila Mine project was done after establishing that there were serious irregularities in the manner it was acquired (Mumba 2014). Such irregularities suggest a lack of clear policy guidelines for land acquisition and allocation to facilitate such large-scale land-based projects (Chu and Phiri 2015).

### **Case 3: Munali Nickel mine project**

The contestations in the Munali Nickel mine project (MNMP) case over large-scale land acquisition for mining, which left some rural residents displaced included: loss of access to good farming land, loss of access to water sources, and not accessing benefits which were promised by the mine investors.

Regarding loss of access of good fertile farming land, displaced residents in the case of MNMP were unhappy with the new resettlement area. Based on an excerpt below, extracted from a research by Mungu (2017), one of the respondents stated that:

People were not happy to go to the new area and some are deciding to go back to the place where they were staying. This is because during the rainy season there is water everywhere as the place is easily flooded. That is the main problem and the reason why people are not happy. You will find that even in the field there is plenty of water. And, if there is plenty of water in the field you cannot grow anything. But they were promising that they will make field reengineering. But, up to now they have not done it. They are always saying that they will do it, but they are not doing anything (Kalembe, interview, 31/03/2015 in Mungu 2017).

As indicated in the excerpt above, the land in the new resettlement area for the displaced residents in Munali Nickel case was not good for agricultural production because it was always flooded during the rainy season. This posed a threat to the food security of the displaced residents, particularly that they rely on subsistence farming as a source of their livelihood. Further, the loss of land to MNMP, by implication, also meant a loss of access to water sources for those displaced. In her research, Mungu

also indicated that the displaced residents mentioned that their livestock farming was also proving to be difficult in the new resettlement area, because there was insufficient water for livestock, particularly in the winter season (see excerpt below).

Even our animals, in winter season they do not have enough water. Let me just say they do not have water. We are using our boreholes to give animals water for drinking. There is a dam around but during winter season there is no water. That dam they [Munali nickel mine] made is not good for animals so we have to pump water for animals to drink and it is a big problem. Like now water is becoming yellowish from our pump. That is why people are complaining (ibid).

Another contestation was around unfulfilled promises which were made by the mine investors to the displaced rural residents. One of them stated that:

When they shifted us, they were promising that they will put electricity that is why they put houses in a certain order. But, after shifting us they changed their minds. They are not giving us electricity and we do not know why. We have tried to talk to them (mine investors) and they are saying that we do not have money (ibid).

The excerpt above highlights that the displaced rural residents were promised among other things, electricity for their new homes which were built for them by the mine investors (Albidon). However, this electricity was never put for the displaced residents. When the mine investors were confronted by displaced residents about the electricity, they stated that they have no money. This can be attributed to the fact that, the mine had financial challenges, and had to close the mine several times, making it difficult to fulfil any promises made to improve or develop the community they were operating in.

## **5. Conclusion**

Based on the three case studies above, it is evident that the contestations that emerged were centred around large-scale acquisitions of customary land. The contestations emerging included: power struggles on who should allocate customary land between traditional authorities and government or the state; exclusion of rural community members from participating in the land negotiation processes; inadequate compensations, unfulfilled promises (e.g. jobs, electricity, etc.) made by mine investors during the land negotiations, and irregularities in land acquisition processes. All these contestations were due to the various informal land acquisitions and allocation processes of customary land which are not guided by any legal policies or guidelines, and vary depending on place, cultural background and social political practices (in any given rural area of Zambia). Secondly, the current land policy in Zambia

is also problematic, as it indicates that all land is vested in the president on behalf of the people, and at the same time suggests that customary land is vested in the person of a chief on behalf of the rural community. This has often created contestation, particularly when allocating customary land as the president can override the decision made by the traditional authorities.

It is for these reasons that certain tenets or guidelines which are standardised should be suggested to help reduce the contestation surrounding the processes of acquiring and allocating customary land. Such guidelines should be regulated by a body that would insure that they are implemented. Below is a list of proposed tenets of an alternative and standardised process for customary land allocation:

- In any rural communities (under customary tenure) affected by any proposed mining projects, the affected communities should have business and legal consultants who have knowledge or expertise in the mining industry to represent them or their concerns and needs during the land negotiation processes.
- Any rural communities affected by any proposed mining development need to be given sufficient time to consult and deliberate among themselves, and with their traditional authorities if they would be happy or not to have the proposed mine project established in their area.
  - If possible, a voting system can be put in place to get a representative view of members of the community. This is also to ensure that participation of rural community members affected by the proposed development is effective.
  - Women and youth should be encouraged to participate in the consultations, and their views should also be taken into consideration. Thus, some women and youth representatives should be present during all the stages of the land negotiations process.
- Rural communities should be given workshops and seminars before and after the mining projects are established, to equip the affected communities with relevant information on what the proposed mining projects involve, the benefits, challenges and other relevant information to create awareness.
- Compensation packages for loss of land to mining projects should include: substantial amounts of money, alternative resettlement areas which are habitable (thus, with proper housing, good fertile land for farming, access to proper water and sanitation, and accessible to roads, schools, health centres, markets, etc).
- Mining or prospecting should only take place when compensation has been completed for rural communities affected by mining.
- The government should allocate a fixed percentage for revenue realised from mine taxes and ploughed back into developing communities where these large-scale mining projects operate from.
- Government should create a deliberate policy on Social Corporate responsibilities, to allow project/companies such as mines to give back to the communities where they operate from.

- Government or the state, should ensure that they also play their part in improving the welfare of communities in areas mining project take place, by partnering with the mine investors. The investors should not be the only ones seen to be contributing to the growth or developments of communities they operate in.

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