



TRANSPARENCY  
INTERNATIONAL  
ZAMBIA



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# COMMUNITY LAND RIGHTS CHAMPIONS ORIENTATION MANUAL

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## **Foreword**

In contributing to increased transparency and accountability in land administration in Zambia, Transparency International Zambia –TI-Z has developed this land transparency toolkit on key land topics for use by land rights community champions o Chibombo, Choma, Mansa and Kasempa districts where the organization is implementing the Land and Corruption in Africa Project. This handbook is aimed at equipping the users with references as they engage community members and as they deal with day-to-day land challenges.

This land transparency toolkit is intended for use as a tool for enhancing People’s Knowledge on their land rights and ultimately translating into enhanced people voices in as far as constructive dialogue is concerned with both duty bearers and power structures of the traditional setups under customary land tenure. The land Transparency toolkit/ booklet is an internal tool and meant to be used by TI-Z community land rights champions in the Land and Corruption Project target districts and partners working in similar interventions



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## 1.0 About Transparency International Zambia?

Transparency International Zambia (TI-Z) is a local chapter of the global movement, Transparency International (TI). It is dedicated to the fight against corruption and the promotion of good governance through collaboration with institutions of integrity in Zambia.

TI-Z as a registered non-profit organization has its headquarters in Lusaka. It works with local level organization in communities in all the provincial capitals in Zambia. These local level organizations are called Transparency Action Groups (TAGs) or District Working Groups.

TI-Z has a vision of working towards a Corrupt free Zambia anchored on citizens, businesses and institutions of integrity. The organisation hopes to derive this through a mission statement that compel us to actively contribute to the sustainable development of all Zambians by promoting a culture of integrity, good governance and zero tolerance to corruption. In all that we do, our actions resonate with the set values being accommodative of different views of individuals and various sectors of society; We act with integrity and accountability in all that we do; We work collaboratively with local and international stakeholders and partners and We work with dignity and respect the rights of all people in combating corruption

## 2.0 About Land and Corruption in Africa Project

The Land and Corruption in Africa Phase II (2021-2025) is being implemented by Transparency International Secretariate through selected national chapters in Africa being Ghana, Kenya, Uganda, Zambia, Zimbabwe, South Africa, Madagascar, and Cameroon.

**The goal of this project is to ensure that corruption practices in land administration and land deals are addressed contributing to improved livelihoods of men and women.** By improving good land governance and supporting more accountable, robust, and transparent institutions in land governance, this will contribute to the 'The Africa We Want' envisioned in the African Union's Agenda 2063.

Land in Zambia is a subject of widespread interest due to competing needs for housing, investment, mining, forests and agriculture. The above brings forth challenges bordering on the following; security of tenure, displacements of local communities, inequalities to land access and lack of transparency and accountability.

Many people therefore do not have the information on land administration to enable them make informed decisions and choices. This is due to a number of reasons including complicated and complex legal and procedural frameworks in place, the lack of capacity to disseminate information effectively by the relevant authorities, illiteracy in some groups in society and sometimes, deliberate act of excluding some groups in society from information.

Therefore, **to facilitate a strong citizenship demanding transparency, accountability, integrity, citizen participation, and justice in the land sector, the following are essential;** Access to information, Awareness of land rights and knowing how to claim them.

## 3.0 What is Corruption?

There is no universally accepted international legal definition of Corruption. Corruption is defined differently according to a particular jurisdiction but, all bearing similar characteristics.

The world bank defines corruption as the “*abuse of Public office for private gain*” while Joseph Nye has defined it as “*the behaviour that deviates from the formal duties because of Private gain*”.

“Corruption is the abuse of Public resources to enrich or give unfair advantage to individuals, their family or their friends ”- Corruption Watch

The Zambian law, in the Anti-Corruption Act No. 3 (2012) does not define corruption but instead give a normative definition of corruption – The Zambian law states “corrupt” – means soliciting, accepting, obtaining, giving promising or offering of gratification by way of a bribe or other personal temptation or inducement or misuse or abuse of public office for advantage or benefit for oneself or other person, and Corruption shall be construed accordingly”.

TI defines corruption as the abuse of entrusted power (by heritage, education, marriage, election, appointment or whatever else) for private gain.

Corruption can simply be defined as dishonest behaviour by those in positions of power. Those who abuse their power may be individuals or they may belong to organizations, such as businesses or governments. Corruption occurs when someone in a position of power uses their authority to influence decisions or conducts any other dishonest or fraudulent behaviour like giving or accepting bribes or inappropriate gifts, double-dealing, under-the-table transactions, manipulating elections and diverting funds. Corruption is any behaviour that leads to the benefit of an entity in power at the expense of others. As such, it's considered to be an abuse of power.

**Who are the people in positions of power?** These can be leaders in the communities, in churches, in organizations etc. But when we talk about **Land**, we are referring to people in authority who make decision on the land. These may be village headpersons, our traditional leaders, officials from the local authorities (Councils) and from ministry of Lands and any other officers from government.

#### 4.0 What is land corruption?

Land corruption refers to corrupt practices related to the acquisition, use, or management of land. It involves the abuse of power, bribery, fraud, or other illicit activities that undermine the integrity of land-related transactions, policies, or governance. Land corruption can occur at various stages of land administration and management, impacting individuals, communities, and broader society. Here are some key aspects of land corruption:

<b>Land Grabbing</b>	
<b>Corrupt Transactions:</b> Land grabbing involves the acquisition of land through corrupt means, such as bribery or coercion, often at the expense of local communities or vulnerable populations.	<b>Fraudulent Deals:</b> Corrupt individuals or entities may engage in fraudulent land deals, manipulating land transactions for personal gain.
<b>Bribery and Nepotism</b>	
<b>Bribery:</b> Corrupt practices may involve the payment of bribes to officials involved in land administration, permitting, or zoning to influence decisions in favour of specific individuals or companies.	<b>Nepotism:</b> Favouritism based on personal relationships or familial ties can result in unfair land allocation or distribution, bypassing transparent and equitable processes.
<b>Illegal Land Conversions</b>	

<b>Corrupt Approvals:</b> Corrupt officials may facilitate or approve illegal land conversions, such as changing agricultural land to commercial or residential use without following proper procedures.	<b>Undue Influence:</b> Powerful individuals or corporations may exert undue influence to gain approval for land-use changes that are not in the public interest.
<b>Land-Related Fraud</b>	
<b>Forgery and Misrepresentation:</b> Corrupt practices may involve forgery of land titles, misrepresentation of ownership, or fraudulent documentation to secure land rights or transactions.	<b>False Surveys:</b> False surveys or boundary manipulations may occur to mislead authorities and stakeholders about the actual extent of land holdings.
<b>Inequitable Distribution</b>	
<b>Corrupt Allocations:</b> Land may be unfairly allocated based on corruption, leading to the concentration of land in the hands of a few, often at the expense of marginalized or vulnerable groups.	<b>Discriminatory Practices:</b> Discriminatory practices in land distribution may be influenced by corrupt motives, perpetuating social and economic inequalities.
<b>Lack of Transparency</b>	
<b>Opaque Decision-Making:</b> Lack of transparency in land-related decision-making processes can contribute to corruption, as it becomes easier for individuals to manipulate outcomes without public scrutiny.	<b>Hidden Beneficial Ownership:</b> Concealing the true ownership of land through shell companies or other mechanisms can facilitate corrupt practices.
<b>Land Tenure Insecurity</b>	
<b>Corrupt Evictions:</b> Corrupt practices may lead to unjust and corrupt evictions, displacing communities from their land without proper legal processes or compensation.	<b>Land Dispossession:</b> Vulnerable populations may face dispossession as a result of corrupt land transactions or policies.

Addressing land corruption requires robust legal frameworks, transparent land administration systems, and effective anti-corruption measures. Strengthening governance, ensuring public participation in decision-making, and promoting accountability in land-related processes are essential for preventing and combating land corruption. Efforts to address land corruption contribute to promoting social justice, protecting vulnerable communities, and ensuring sustainable land use.

## 5.0 What is Land and Tenure Systems?

We can simply say that Land is the soil, rocks, mineral resources, rivers and lakes, vegetation, etc. Land is the basis for all forms of social and economic development. It is a source of prestige and identity and a means livelihood especially for rural and peri-urban communities.

Without land people cannot survive, they can not develop, they cannot grow food and they would be destitute, belonging nowhere. Land has become a major source of conflicts because of the increase in population, thereby demanding a lot of land.

Land includes a lot of issues. These include

- ❑ **Ownership and Property:** Land can be owned by individuals, communities, governments, or other entities. Ownership of land is often associated with property rights, which define the legal rights and responsibilities of landowners.
- ❑ **Land Use:** Land serves multiple purposes, including agriculture, urban development, industrial activities, conservation, and recreational uses. Land use refers to how land is utilized and managed for different purposes.
- ❑ **Natural Resources:** Land is a source of various natural resources, including fertile soil, minerals, forests, and water. These resources are essential for human survival and economic activities.
- ❑ **Agriculture:** Land is a primary factor in agriculture, supporting the cultivation of crops and the raising of livestock. The quality and fertility of the land are critical factors in agricultural productivity.
- ❑ **Urbanization:** Land is used for the development of cities, towns, and infrastructure. Urbanization involves the transformation of land for residential, commercial, and industrial purposes.
- ❑ **Spatial Planning:** Governments and organizations engage in spatial planning to manage land use, allocate resources, and balance competing interests, ensuring sustainable development and environmental conservation.

## 5.1 Laws that Regulate Land Management in Zambia

Currently land in Zambia is administered through the following Laws;

- ❑ The Constitution of Zambia.
- ❑ The Lands Act (1995)
- ❑ The Land Survey Act
- ❑ The Urban and Regional Planning Act (2015)
- ❑ National Lands Policy (2021)

## 5.2 Land Tenure Systems

All Land in Zambia is vested in the Presidency. The president holds it on behalf of all Zambians. However, in Zambia land is generally divided into two descriptions called '**land tenure systems**'. There are therefore Customary and Statutory tenure systems.

## 5.3 Customary Land

About 60 - 80% of land in Zambia falls under Customary tenure while remainder is under statutory tenure (rough estimates as land audit has not been done). Customary Land is administered by the **Chiefs** using customary laws and traditions.

## 5.4 Strength and Weaknesses of Customary Land

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>❑ Decentralized, easy to access and affordable</li> <li>❑ Knowledge of actors involved and clarity of their roles</li> <li>❑ Rules followed in the administration of land are known</li> </ul>	<ul style="list-style-type: none"> <li>❑ Inadequate documentation</li> <li>❑ Lack of clear boundaries</li> <li>❑ Inadequate land information system</li> <li>❑ Insecurity of tenure</li> <li>❑ Too risky for investment</li> <li>❑ Lack of knowledge of land laws by leaders and locals</li> <li>❑ Cannot be sold or used as collateral</li> <li>❑ Absence of customary land law</li> </ul>

<input type="checkbox"/> Provision for conversion to statutory tenure <input type="checkbox"/> Knowledge of and adherence to land use restrictions <input type="checkbox"/> Communal use of land and benefits from resources	<input type="checkbox"/> Single directional conversion of land will ultimately result in one tenure system <input type="checkbox"/> Displacement due to investment with minimal or no compensation to the affected communities. <input type="checkbox"/> Boundary disputes between families, villages and chiefdoms <input type="checkbox"/> Vulnerable to abuse by Chiefs and Headpersons
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## 5.5 Statutory Land

This is land that is administered by the government institutions and guided by written laws and policies. The Republican President has delegated the administration of statutory land to the Commissioner of Lands. Statutory Land tenure is administered by Government through its various ministries and agencies for different purposes. There are various land uses: housing, resettlement, farm blocks, MFEZ, forestry, game management, mining, etc. Statutory land has documented evidence of land holding which may be title deeds or land records, which provides security of tenure.

## 5.6 Govt Ministries & Departments Involved in Land Administration

Ministry	Department
Ministry of Lands	Department of Lands Survey Department Lands and Deeds Planning
Ministry of Local Government	City, Municipal and Town Councils
Ministry of Agriculture and Cooperatives	Department of Agriculture Technical Services
Ministry of Tourism	Department of National Parks and Wildlife National Heritage Conservation Commission
Ministry of Mines and Minerals Development	
Office of the Vice President	Department of Resettlement

## 5.7 Strength and Weaknesses of Statutory Land

Strengths	Weaknesses
<input type="checkbox"/> Interests in land are documented <input type="checkbox"/> Enhanced tenure security <input type="checkbox"/> Governed by written laws and policies <input type="checkbox"/> Transparent administrative systems <input type="checkbox"/> Documented land use plans <input type="checkbox"/> Clearly marked boundaries <input type="checkbox"/> Can be used as collateral <input type="checkbox"/> Exclusive user rights to land <input type="checkbox"/> Has potential to generate revenue for the government	<input type="checkbox"/> Unaffordable for the poor and vulnerable citizens <input type="checkbox"/> Highly centralized administrative systems. <input type="checkbox"/> Bureaucratic and lengthy administrative procedures. <input type="checkbox"/> Average Zambian is ignorant of how to acquire statutory land <input type="checkbox"/> Illegal land allocations & corruption <input type="checkbox"/> Unconsolidated land management information systems <input type="checkbox"/> Lack of disaggregated data for land holders, e.g., women, youth, PwDs <input type="checkbox"/> Lack of harmonization of the different laws and policies governing land <input type="checkbox"/> Poor collaboration by different government agencies administering land <input type="checkbox"/> Actual amount of available land unknown <input type="checkbox"/> Cannot be converted to customary tenure <input type="checkbox"/> High levels of corruption, resulting in failure to follow laid down procedures in land allocation, double allocation of plots, etc. <input type="checkbox"/> Lack of monitoring and evaluation by local authorities. <input type="checkbox"/> Mandated authorities not proactive in preventing or stopping violations before it's too late <input type="checkbox"/> Impunity in violating land laws, such as allocating land which should not be allocated e.g., under electricity pylons, road reserves, etc. <input type="checkbox"/> Single directional conversion of land will ultimately result in one tenure system <input type="checkbox"/> Displacement due to investment with minimal or no compensation to the affected communities. <input type="checkbox"/> Boundary disputes between families, villages and chiefdoms <input type="checkbox"/> Vulnerable to abuse by Chiefs and Headpersons



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## 5.8 What are Land Rights?

Land rights refer to the legal and social rights that individuals, communities, or groups have in relation to land. These rights govern how land is owned, used, transferred, and managed. The concept of land rights is fundamental to issues of property, tenure, and access to natural resources. It encompasses a range of rights, including ownership, possession, use, and the ability to transfer or lease land. Here are some key aspects of land rights:

<b>Ownership Rights</b>	
<b>Private Ownership:</b> Individuals or entities may hold private ownership rights to land, giving them legal control and the ability to use, transfer, or sell the land.	<b>Collective Ownership:</b> In some cases, communities or groups may hold collective ownership rights to land, with decisions about land use made collectively.
<b>Possession and Use Rights</b>	
<b>Possessory Rights:</b> Individuals or communities may have the right to possess and use land, even if they do not have formal legal ownership. This is often referred to as "possession rights."	<b>Land Use Rights:</b> Rights to use land for specific purposes, such as agriculture, housing, or cultural activities, are important components of land rights.
<b>Access Rights</b>	
<b>Access to Resources:</b> Land rights often include access to resources such as water, minerals, and forests that are located on or within the land.	<b>Customary Rights:</b> In many communities, customary land rights are recognized, reflecting traditional practices and norms governing land use.
<b>Transfer and Inheritance Rights</b>	
<b>Transferability:</b> Land rights may include the right to transfer or sell the land to others, subject to legal and regulatory conditions.	<b>Inheritance Rights:</b> In many legal systems, land rights can be inherited, allowing the passing down of land from one generation to the next.
<b>Security of Tenure</b>	
<b>Secure Tenure:</b> Secure land tenure implies that individuals or communities have a stable and protected claim to the land, reducing the risk of eviction or displacement.	<b>Land Titles:</b> Formal land titles or deeds are legal documents that provide evidence of ownership or possession rights and help secure land tenure.
<b>Land Reform</b>	
<b>Redistribution:</b> Land reform programs may seek to address historical injustices in land distribution by redistributing land to marginalized or disenfranchised groups.	<b>Protection of Vulnerable Groups:</b> Land rights can be a means of protecting the rights of vulnerable groups, such as indigenous peoples and rural communities.
<b>Legal Recognition and Documentation</b>	
<b>Formal Recognition:</b> Legal recognition of land rights is essential for providing individuals and communities with a legal basis for asserting their claims to land.	<b>Land Registration:</b> Formal land registration systems can help create a transparent and accessible record of land rights, promoting security and reducing conflicts.

Land rights are crucial for economic development, social justice, and environmental sustainability. In many societies, struggles over land rights are central to broader issues of inequality, poverty, and access to resources. Effective land governance and legal frameworks that respect and protect land rights contribute to sustainable and equitable land use.

## 6.0 Land Disputes and Land Conflicts

### 6.1 What is land dispute?

A land dispute is a disagreement over the use, access, possession, control and ownership of land between two or more parties. This can also occur as a public interest issue and between a government entity and a defined community. Land disputes arise as a result of competing interests or misunderstanding over land because of conflicts of ownership and control. Land disputes are often caused by ignorance. This means that many times, land disputes can be prevented by equipping rights holders with the relevant knowledge that they need to engage, ask questions and demand accountability were required.

Land conflicts refer to disputes or disagreements over the use, ownership, access, or control of land and its resources. These conflicts can arise between individuals, communities, institutions, or even between different levels of government. Land conflicts are multifaceted and can involve a range of issues, including conflicting land tenure systems, competing land uses, inadequate land governance, and socio-economic disparities. Below are common causes and characteristics of land conflicts:

<b>Competing Land Claims</b>	
<b>Customary vs. Formal Systems:</b> Conflicts may arise when customary land tenure systems, often based on traditional practices, clash with formal or statutory systems governed by legal frameworks.	<b>Overlapping Boundaries:</b> Disputes can occur when the boundaries of different land parcels are not clearly defined, leading to overlapping claims and competing ownership.
<b>Land Grabbing and Displacement</b>	
<b>Large-Scale Investments:</b> Conflicts may arise when large-scale agricultural, industrial, or infrastructure projects lead to land grabbing or the displacement of local communities.	<b>Inadequate Compensation:</b> Disputes may occur when affected communities feel that compensation for their land or relocation is inadequate or unfair.
<b>Urbanization and Expansion</b>	
<b>Urban Growth:</b> Rapid urbanization and population growth can lead to increased demand for land, resulting in conflicts over land use, zoning regulations, and housing.	<b>Informal Settlements:</b> Conflicts may arise in informal settlements where residents lack formal land titles, leading to uncertainties and vulnerability.
<b>Resource Access and Use</b>	
<b>Competing Resource Uses:</b> Conflicts may emerge when different groups have competing interests in land resources such as water, forests, or minerals.	<b>Environmental Concerns:</b> Disputes may arise over the environmental impact of certain land uses, particularly when activities such as logging, mining, or agriculture affect ecosystems.
<b>Inadequate Land Governance</b>	

Weak Land Institutions: Weaknesses in land administration, unclear land tenure policies, and inadequate enforcement mechanisms can contribute to conflicts.	<b>Corruption and Nepotism:</b> Corrupt practices in land administration, including bribery and favouritism, can lead to disputes and erode public trust.
<b>Ethnic and Cultural Factors:</b>	
<b>Cultural Heritage:</b> Conflicts may be rooted in the cultural or historical significance of certain lands, particularly when different groups have divergent views on land use and ownership.	<b>Ethnic tensions:</b> Land conflicts may escalate due to underlying ethnic tensions, exacerbating disputes over access and control.
<b>Legal Ambiguities:</b>	
<b>Ambiguous Land Laws:</b> Conflicts can arise when land laws and regulations are ambiguous or open to interpretation, creating uncertainty about land rights and responsibilities.	<b>Lack of Legal Awareness:</b> Inadequate knowledge of land laws and rights can contribute to disputes, especially among communities with limited access to legal resources.
<b>Climate Change Impacts</b>	
<b>Environmental Changes:</b> Changes in climate and environmental conditions can lead to shifts in resource availability, triggering conflicts over land and water resources.	<b>Migration:</b> Climate-induced migration may lead to conflicts between incoming and existing communities over access to land and resources.

Effective resolution of land conflicts requires a comprehensive and inclusive approach, involving stakeholders at various levels, transparent land governance, and mechanisms for dispute resolution. Mediation, community participation, and adherence to legal and ethical standards are essential for addressing and preventing land conflicts.

## 6.2 Types and Causes of Land disputes in Zambia

There are several types of land disputes that arise from different causes among individuals or groups of people with interests on the same land.

- ❑ **Boundary:** These types of disputes arise when two or more parties disagree on the extent of their land boundaries. In many cases, this is due to lack of clear boundary markings or other demarcation signs that clearly show the size and extent of a particular piece of land.
- ❑ **Trespass:** These types of disputes arise when two or more parties disagree on the extent of their land boundaries.
- ❑ **Encroachment:** This is when one conducts an activity such as agriculture and mining on another person's land without permission from the owner of the land.
- ❑ **Inheritance:** These arise between or among siblings due to unequal shares based on sex, and sometimes issues of authority. Issues of authority arise when a man had children outside marriage and/or had more than one wife; when a husband dies, and his relatives feel that the wife does not have rights to the land. These disputes occur whether a valid will was left or not.

- ❑ **Poor land administration:** Some land disputes arise as a result of poor land administration. This is seen through double allocations, improper records, delayed services and the lack of transparency in the process of accessing services.

### 6.3 Impact of Land Disputes

- ❑ Land is a very important and sensitive natural resource which borders on the peace and security of communities.
- ❑ Unresolved land disputes can grow into full blown conflicts and wars.
- ❑ Land conflicts can affect people's livelihoods such as hunger and poverty as a result of people's inability to engage in livelihood activities
- ❑ Corruption

### 6.4 How to prevent Land disputes

- ❑ **Follow correct procedure when acquiring land.**
  - Both administrators and citizens have a responsibility of avoiding/ minimizing the possibility of disputes by ensuring that land is secured through the correct procedures.
  - Land seekers have a responsibility to ensure that the land they are acquiring does not belong to other persons.
- ❑ **Register property:**
  - In state land, title is the conclusive evidence of ownership.
  - The system of registration can be a tool used to resolve disputes.
  - Interests in land can be verified with the system of land registration.
  - The system of registration provides information on all registered properties so that someone is able to find all information on the property they wish to acquire.
  - Customary land that is acquired must follow the right process through the traditional authorities, and proper demarcations must be done to avoid conflicts.
- ❑ **Respect other people's property.**
  - Stay away from other people's land regardless of your economic strength.
  - Do not take advantage of other people's weaknesses or vulnerability, e.g., women, the poor, youth or persons with disabilities.
- ❑ Take keen interest to know about land administration in Zambia and rules in your local chiefdoms
- ❑ Report any suspected acts of corruptions or incidences of maladministration to relevant authorities

## 7.0 Land Displacements and Compensation

There are many reasons why land displacements occur. Some of the causes include the following;

- ❑ Natural and Human caused disasters; (e.g.; floods)
- ❑ Development Projects
- ❑ Fights along national boarder areas
- ❑ Conflicts caused by difference in cultures and religion
- ❑ People fighting over land
- ❑ Living on land that belongs to other people (Encroachment)



**Internally Displaced Persons** are People or groups who have been forced to leave their homes as a result of conflicts, violence, development projects, natural or human made disasters, and who have not crossed an international border.

**Physical displacement:** when people lose their homes and are forced to move from their land to another because of a project that is coming to be set up in their land. They are forced to move

### 7.1 Forms of Compensation

Before people are displaced, there must be engagement where options or alternatives are provided to the people. Some of the means considered include the following;

- ☐ Land for land
- ☐ Houses for land
- ☐ Cash for land
- ☐ Cash for crops/trees
- ☐ Land and cash for land

### 7.2 Impact of land displacements

- ☐ Lack of access to social amenities (health facility and schools).
- ☐ Loss of livelihoods as communities are moved away from their farmland and markets
- ☐ Communities are unable to benefit from processes of resettlement and compensation.
- ☐ Disproportionate impact of displacement on women and children
- ☐ Community members are dragged to court for criminal trespass on their ancestral land

### 7.3 Guiding Principles Displacements and Compensation

- ☐ All persons, groups and communities have the right to suitable resettlement which include their right to alternative land, which is safe, secure, accessible, affordable and habitable.
- ☐ The settlers shall be given permanent right of ownership and use of their land by being issued with certificates of title to the land.
- ☐ The size of the land allocated shall be commensurate to the ability of the settler to develop the land and /or be adequate to support an average family with basics subsistence food and reasonable surplus
- ☐ People unavoidably displaced should be compensated and assisted so that their economic and social future would be generally as favourable as it would have been in the absence of the project or better.
- ☐ Involuntary resettlement should be conceived and executed as part of the project. The full cost of resettlement and compensation should be included in the presentation of project costs and benefits.
- ☐ Involuntary resettlement should be conceived and executed as part of the project. The full cost of resettlement and compensation should be included in the presentation of project costs and benefits.

#### 7.4 Involuntary Resettlement Process

- ☐ The involuntary resettlement process involves the identification of the displaced persons, their assets and livelihoods through a socio-economic survey.
- ☐ The socio-economic survey report is an important input in the preparation of the Resettlement Action Plan (RAP).
- ☐ The promoter/ investor shall be responsible for the resettlement/ re-location, rehabilitation and compensation of the displaced persons in the case of investment;
- ☐ Valuation for compensation may be carried out by the Government Valuation Department;
- ☐ In a situation where the investor or promoter decides to engage a private valuer, the Government Valuation Department shall validate the valuation;
- ☐ Persons displaced by the investment should be compensated.
- ☐ Compensation shall be based on market or replacement cost whichever is higher including transaction costs;
- ☐ People who are physically displaced should be provided with transport, food and shelter during their relocation
- ☐ Land acquisition, payment of compensation for affected people/ assets and resettlement shall take place before the onset of the project;
- ☐ Resettlement as a result of investment projects should be conceived as an opportunity for improving the livelihoods of the affected people and should be undertaken accordingly by the investor.
- ☐ Disclosure of all relevant information and participation of affected communities and persons will continue during the planning, implementation, monitoring and evaluation of compensation payments, livelihood restoration activities and resettlement. The information should be provided in a language suitable for affected persons;

#### 7.5 Challenges in Resettlements and compensation

- ☐ Community members and some stakeholders do not understand resettlement and compensation process.
- ☐ Lack of monitoring to ensure the EIS/EIA and RAP are being implemented accordingly.
- ☐ Non- adherence to provisions in the National Resettlement Policy.
- ☐ Compensation dependent on the type of land one has.
- ☐ In some cases, compensation on activity land only.
- ☐ There has been minimal and sometimes no provisions for community consultation in the resettlement process
- ☐ Lack of proper coordination among stakeholders in the resettlement and compensation process
- ☐ Lack of readily available information on resettlement and compensation.

## 8.0 Reporting Land Corruption through Advocacy Legal Advice Centre

The advocacy and legal advice for Citizens is a TI-Zs complaints handling system and legal advice centre which provides free and confidential legal advice to witnesses and victims of corruption including whistle blowers, offering a relevant, safe, credible and responsive mechanism for citizens to pursue their corruption related complaints.

ALAC empowers citizens in the fight against corruption. The centre also plays a role in identifying corruption hotspots that demand reform or official action. At district level we work with Justice for All Networks comprising of CSOs with paralegal desks, to reach out to local level communities.

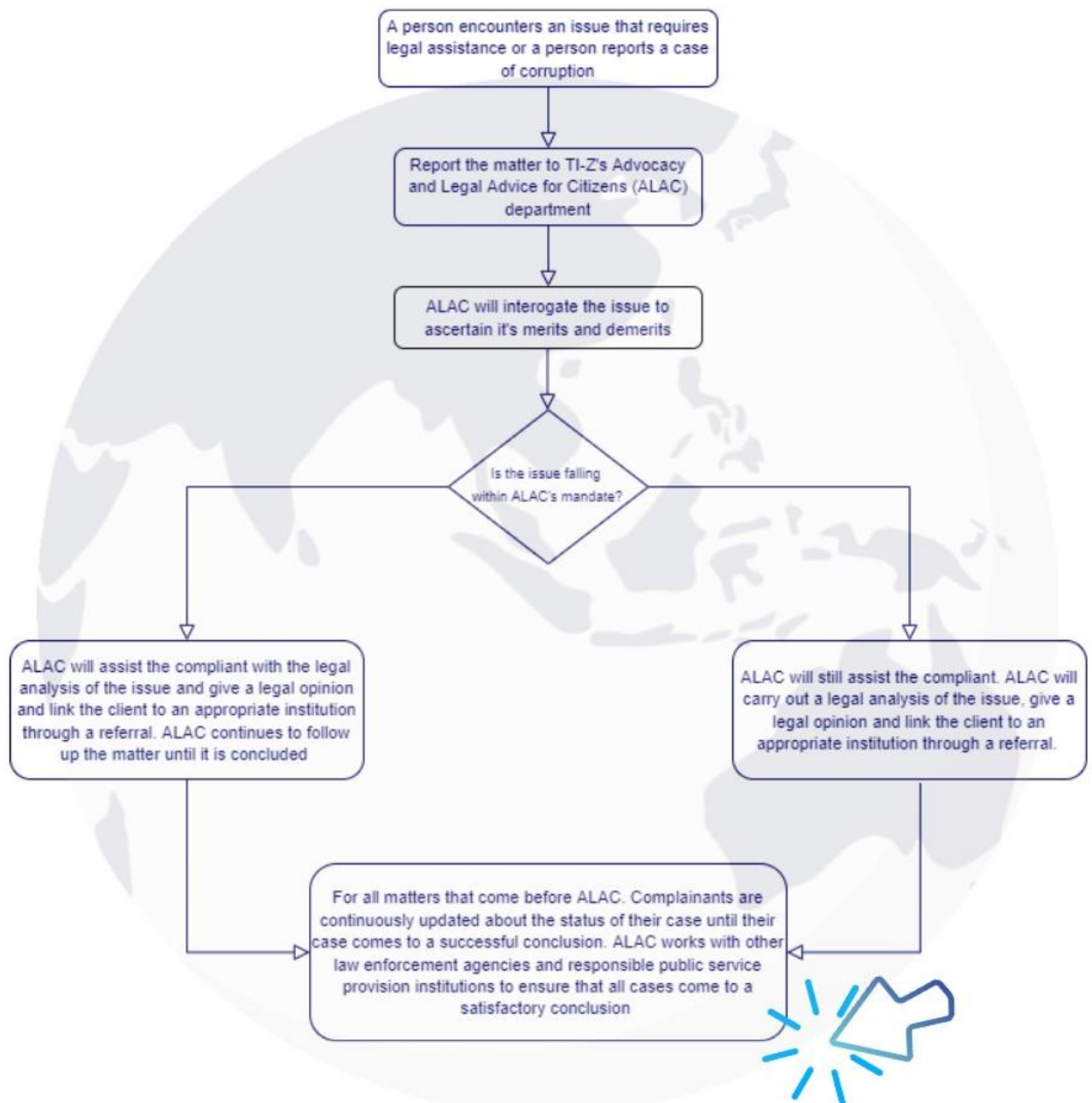
Currently, ALAC is in Lusaka at the TI-Z offices. A member of the Public is free to walk in and submit their complaints or see legal advice. At District level, ALAC works through TI-Z's local level structures called Transparency Action Groups in all the 10 provinces of Zambia.

We can add a process flow chat on how to report land corruption at TI-Z on the inner back cover page if possible. It needs full page

To contact ALAC, please call or text the following mobile numbers.

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## ADVOCACY AND LEGAL ADVICE FOR CITIZENS – PROCESS FLOWCHART







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