Customary land reform to facilitate private investment in Zambia: achievements, potentials and limitations

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Abstract
In the name of development, governments in southern Africa are reformulating land policies to facilitate privatisation of customary land rights. It is argued that this can stimulate land markets, (foreign) private investment, access to formal credit, and enhance security of tenure (by way of holding title), thereby leading to economic growth and poverty alleviation. However, these land reform proposals have often produced unintended results as reports of exclusion, elite capture, displacement and enclosure of the commons are widespread in many parts of southern Africa. Zambia is not an exception in the regional land reform rhetoric. In 1995 the government enacted a pro-investment Lands Act in order to attract the investment from 'abroad'. In line with the provisions of the Act, and the objective of government, a large amount of customary land has been converted to private tenure as more foreign investments have flooded the country. One notable example of such investments is in the mining sector as, for example, Lumwana Mine (the largest copper mine in Africa) and Kansanshi Mine were opened up in Solwezi, North Western Province. These mines have attracted more people and fringe investments to the area in search of economic opportunities. This has further led to increased pressure on land, particularly in peri-urban locations, as more people and organisations seek to acquire customary land from traditional rulers and convert it to private leaseholds. This paper uses personal experience and research to present the achievements, potentials and limitations of private investments on local communities/economy in Solwezi. The paper argues that despite the huge potential of private investment, attainment of land reform-related poverty alleviation strategies in Zambia still remains overshadowed by conflicting agendas – how does government serve the interests of its poor citizens while at the same time it is expected to pursue the collective global market agenda in order to aspire for the country's international recognition and acceptance? This question is particularly crucial given that these agendas are often at odds.

***Key words**: land policy, customary land rights, Zambia, private tenure, investment*

Introduction
In 1995 the Zambian government passed a pro-investment Lands Act in order to stimulate private/foreign investment. At the heart of this policy was the desire to alleviate poverty, particularly in rural areas. This was to be achieved by the

inclusion in the Act of the clause that provided for the conversion of communal land to leaseholds (GRZ, 1995). However, this economic growth-oriented piece of legislation has had mixed results (Corella *et al*., 2006). This paper is a critique of the impact of the Act as it relates to the conversion of customary land rights to facilitate private investment. This analysis is based on a combination of personal experience[1], literature review and research.

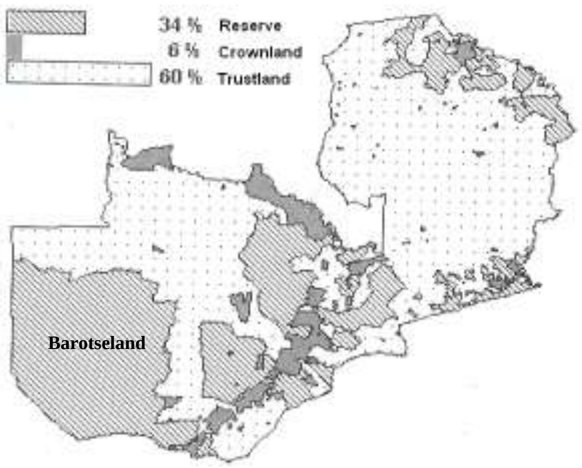
Land tenure and policy development

Like elsewhere in sub-Sahara, pre-colonial societies in Zambia considered land as a free commodity (GRZ, 2006, 2005; Hansungule *et al.*, 1998). People were linked to land through ethnic groupings. Village membership was therefore crucial for a member to enjoy land rights which were basically use rights. However, with the coming in of the western colonialism and capitalist-oriented thinking, control over land started to emerge (Adams, 2003; van Loenen, 1999). When white settlers arrived in the country in 1890 they introduced British law. In 1911 (when Northern Rhodesia (now Zambia) was founded by merging North Eastern and North Western Rhodesia), the King of the United Kingdom granted authority to the British South African Company (BSA) to govern the country. The company was also empowered to administer land.

In 1924 the BSA Company divested control over Northern Rhodesia and the British Colonial Authority took over the administration of the country. All land in the country was apportioned into two categories. The most valuable was named *crown land* and was vested in the Governor of Northern Rhodesia, administered by English law and set aside for the settlers. Although some isolated pockets of fertile land belonged to it, crown land was largely a stretch of land along the railway line that traverses the country from Southern Province to the mineral-rich Copperbelt Province on the border with the Democratic Republic of Congo (figure 1). The less valuable land was named *native reserve*, administered by local customs and was to be used by Africans (Mvunga, 1980). Mutale (2004) reports that due to overcrowding in the Reserve, the British government in 1947 set apart a third category of land which they called Trust Land. This was made up of all unassigned land, including forests, game land and unused Crown land. Trust land was also set aside for use by indigenous people (Mutale, 2004; Mvunga, 1980; Adams, 2003).

Figure 1: Pre-Independence categories of land in Zambia

[1] The author has worked for the Department of Lands between 2000 and 2005



Source: Mulolwa, 2002: 42

The various injustices that were inherent in the administration and distribution of land contributed to the fight for political independence in the country.

Early post-independence policies

Zambia inherited three categories of land in 1964 – native reserves, crown and trust land. Crown land was transformed into state land while the other two were retained. In an effort to correct the historical injustices in land distribution, the United National Independence Party (UNIP) under the leadership of Kenneth Kaunda hastily passed legislation that aimed at nationalizing land held by absentee landlords – a fast-tracked process that became colloquially known as 'Zambianisation'. This post-independence nationalism process was facilitated by the enactment of the Land Acquisition Act 1970 (GRZ, 2006, 2005).

During Kaunda's regime land was seen as a property of the people. Everyone could have access to and use land without claiming ownership. Only small-scale private investments were permitted while large scale investments were carried out either by the state (Kajoba, 1998). Kaunda's people-centred style of ruling was aimed at eliminating exploitation of man by man. His strong faith in socialism was mirrored in the philosophy of humanism which eventually became the central pillar of his style of governing. According to Mutale (2004) this eventually earned him an *ad-infinitum* presidential status in the 1980s, with his famous 'one Zambia, one nation' slogan playing the important role of strengthening social cohesion in communities. In 1973 Zambia became one-party state and two years later the first ever landmark land policy reforms were pronounced in what is known as the "watershed speech" (Mvunga, 1982; Roth *et al.*, 1995).

The watershed speech

The 'speech' was made on 30th June 1975 by Kaunda at the Mulungushi Rock of Authority in Kabwe. The major land policy changes that were introduced in 1975 were heralded within the political ideology of humanism that the "Party and Its Government" (often locally referred to as PIG) were championing for. The changes were eventually embedded in the Land (Conversion of Titles) Act 1975. The Act categorically stated that:

> Every piece or parcel of land which immediately before the commencement of this Act was vested in or held by any person – (a) absolutely, or as a freehold or in fee simple or in any other manner implying absolute rights in perpetuity; or (b) as a leasehold…extending beyond the expiration of 100 years from the commencement of this Act; is hereby converted to statutory leasehold and shall be deemed to have been so converted with effect from the first day of July, 1975 (cited in Kajoba, 1998: 303).

In addition to the abolishment of freeholds, the Act vested all land into the President. Furthermore, unutilised tracts of land and land that belonged to absentee landlords were expropriated by the state. Value on vacant land was scraped off and estate agency was abolished (Kangwa, 2004). The Act also provided that all dealings in land matters required Presidential consent. In addition to these radical measures, stricter conditions were introduced in order to control ownership of land by foreigners.

Soon after its enactment, however, the 1975 Act was accused of a number of weaknesses, including the restriction of the operation of the market, driving high property values, and hindering property investment (Mutale, 2004). This prompted the new Movement for Multiparty Democracy (MMD) to repeal the Act when it took power in 1991 (ZLA, 2008).

Policies under the MMD government

The land policy of the MMD was conceived in 1991. It eventually became one of the key issues used at campaign rallies in order to win support from the electorate during the 1991 general elections in which the MMD resoundingly ousted the UNIP government. The land policy was initially enshrined in the party's election manifesto:

> The MMD shall institutionalize a modern, coherent, simplified and relevant land law code intended to ensure the fundamental right to private ownership of land […]. To this end, the MMD government will […] bring a more efficient and equitable system of tenure conversion and land allocation in customary lands; land adjudication legislation will be enacted in such a way that confidence shall be restored in land investors […] the MMD shall attach economic value to undeveloped land [and] promote regular issuance of title deeds to productive land owners in both rural and urban areas (Roth *et al.*, 1995: 33).

To kick-start its policy reforms, the MMD government instructed the Ministry of Lands (MoL) to carry out research "to identify current land market constraints as a basis for designing an action plan to assist the government with land policy reforms" (*ibid*: 2). The MoL commissioned the research in 1992 and engaged the American-based Land Tenure Centre to undertake the task. Different researchers were recruited to carry out research on specific themes and publish their findings. In one of these papers (Roth *et al.*, 1995: 1) the researchers concluded that:

> The current system of land administration [in Zambia], based on antiquated English law, is badly in need of modernization. Private ownership is effectively repressed if not prohibited by Zambia's current legal framework, and land cannot legally have value. Lack of private ownership and a land market ostensibly constrains the development of formal credit and real estate markets, while delays and costs in

> processing leasehold issuances and property transfers purportedly constrain land markets and inhibit economic growth.

On the basis of this advice, the government embarked on countrywide consultation on land policy in order to establish appropriate reform strategy. One key milestone in the consultations was the "Land Policy and Legal Reform" conference in Lusaka at which the Land Bill was subjected to intense debate.

The Land Bill debate

At the behest of the World Bank and International Monetary Fund (Brown, 2005), with funding from USAID, the land policy reform Bill was tabled for debate at the national conference that was convened between 19 and 23 July 1993 at the Mulungushi International Conference Centre in Lusaka. The conference attracted a great deal of interest from a diversity of stakeholders (Hansungule *et al.*, 1998). A number of papers were presented (some in favour of and others against reform). From the point of view of traditional rulers, one chief argued that:

> We appreciate your effort to make land available to investors, which is important for development and food security. But we have serious concerns. Chiefs are not chiefs without land. When we look at the Lands Act we feel that chiefs don't own the land anymore because all land is vested in the President and the chiefs have become only the agents who help to process the land for investors (cited in Brown, 2005).

The key issue that worried chiefs was the clause to convert customary into leasehold tenure. While the chiefs' argument was that the conversion was not necessary because customary land tenure had for decades provided access to land to the majority of citizens, some observers have argued that the real fear by the chiefs was that private land owners would no longer respect and pay homage to chiefs (Lungu, 1997). Instead, these would start paying land tax to the state. Also, the move would undermine the traditional political structure.

Due to widespread opposition to it, the Bill was withdrawn by government in 1994 (Mutale, 2004). However, under pressure from the donors, government initiated fresh debates, but this time adopting a different strategy. Thinking chiefs' subjects would support the Bill, the Minister of Lands initiated countrywide tours intended to sensitise and win support from the rural communities. However, results were disappointing because if and where he was accorded audience with the rural citizenry, the minister was categorically told that the Bill was rejected (Moobela, 2000; Brown, 2005). In Western Province, for example, the Minister's car was stoned by the angry mob of villagers protesting against the proposed Bill (Moobela, 2000; ZLA, 2008). But despite the countrywide rejection, the Bill was nonetheless passed into Law on 13 September 1995 as Lands Act, no. 29 of 1995. Brown (2005) contends that the enactment of the Act was a *quid pro quo* for donor resources, particularly from the World Bank and the IMF.

The Act's salient features

The key changes that the Act introduced include the provision for the conversion of customary land rights into leaseholds, statutory recognition of customary tenure (native reserves and trust lands were merged into customary land), establishment of a Lands Tribunal and a Land Development Fund (GRZ, 1995). Other salient features in the Act include continuation of leaseholds, continued alienation of all land by the President, and continued vesting of all land into the President (GRZ, 1995; Hansungule *et al*., 1998). The conversion of customary land rights was by far the most controversial, at least from the point of view of the customary land holders.

On the basis of the foregoing discussion, it is evident that the MMD's market-based land policy was aimed at reviving investor confidence in the private entrepreneurship, including bolstering land market. The hope was that this would result into economic growth and eventually poverty reduction. However, this economic growth-oriented Act has had mixed results.

The 1995 Lands Act: the story thus far

The drivers of the land reform agenda in Zambia were in line with what the MMD had promised in their 1991 election manifesto as highlighted earlier. In the case of traditional tenure, the provision in the Act to convert customary land to leaseholds was aimed at incentivising owners to improve their land, promote access to credit and stimulate efficient markets (Smith, 2004). However, research into this tripartite aim of the Act reveals inconclusive results in terms of whether or not the objectives have been achieved in the last 15 years the Act has been in force. For instance, rural poverty has instead risen from 73% in 1997 (GRZ, 2002) to 81% in 2007 (UNDP, 2009). Reports of eviction threats, elite capture, exclusion, displacement and enclosure of the commons are widespread (Brown, 2005). On the positive note, although difficult to wholly attribute it to the Act, the inflow of foreign investment has increased. From 1995, the year when the Act was enacted, the country's foreign direct investment (FDI) increased from US$72m in 1995 (UN, 2001) to US$ 350m in 2006 (FDI.net, 2009). This was after it had plummeted from US$200m in 1990 to under US$50m in 1994 (UN, 2001).

Land administration and institutional framework

As stated earlier, all land in Zambia vests into the president (GRZ, 1995, 2006, 2005). Two types of tenure can be found – state land (6%) and customary land (94%). The former is based on written law while the latter is based on local customs. Although the Lands Act confers land alienation powers into the President, the President cannot alienate land without consulting the chief (for customary land) or the local council (for state land) (GRZ, 1995). This means that any applicant wishing to convert customary land into state land/leasehold should first seek approval from the chief. But cases of abuse of office by the president are widespread as allocation of land to high profile investors without consulting the chiefs are not uncommon (Brown, 2005).

Impact of private investment: a lesson from Solwezi

Solwezi district was chosen as case study for this study. Two settlements, Mushitala and Mumena, were studied. Solwezi was appropriate because of the recent economic developments taking place following the opening up of two mines in 2005. The growing awareness of the economic potential has attracted fringe investments as well as a large number of immigrants seeking economic opportunities. This is slowly transforming the area into a cosmopolitan town. However, these developments can have both positive and negative impacts on local communities. Pressure on land increases due to more people seeking to acquire land from chiefs (Keivani and Mattingly, 2007). As one chief remarked during fieldwork of this study:

> ... with this economic boom in Solwezi, we are having so many people wanting to convert land for various activities: mining activities, agricultural activities, lodges. So there is so much and we have that on a daily basis and not only from the citizens of this country. For instance we have Lumwana Mine which has attracted so much interest ...and you know it is going to be dubbed the largest copper mine in Africa. So, on a daily basis I have to talk to people about land. *On a daily basis and I mean on a daily basis* (Interview with chief M, 12/02/07).

Indeed the growing population piles more pressure on the traditional rulers and puts them in a dilemma - how do they deal with the local impacts while at the same time they are expected to support government in promoting the global agenda of economic development through private entrepreneurship? This paper charts the impacts of private investment on local communities/economy by using Lumwana and Kansanshi investments in Solwezi as case studies. Results presented here are a slice of a broader study that examines land policy reform process insofar as it relates to stakeholders' participation and privatisation of customary land in rural and peri-urban locations.

The methodology adopted in this research was largely interpretative as the research aimed at capturing people's opinions on issues surrounding tenure in-so-far as it relates to the conversion of customary land to facilitate private investment. Data was collected over a period of 6 months commencing September 2006 while another phase was conducted in January 2009. Residents in both Mushitala and Mumena, together with their respective traditional rulers, were recruited as participants in in-depth interviews. Other complementary methods used included (participant) observation and a thorough review of secondary sources like government reports and statutes.

The impacts

The fact that the two studied settlements have had several conversions of customary land in the past means that the chiefs here are likely to be more informed on the impacts of private investment to local economy. The perception of chiefs on investors is somewhat a mixture of ambivalence and resentment. The relationship between chiefs and investors is very poor especially if the investor acquired the land direct from government officials without passing through the traditional establishment as stipulated in the statutes. The anger towards such investors can be evidenced by a remark made by one respondent chief:

> The mines operate under cover. There is a lot of secrecy. We know that diamond and other precious minerals are being whiskered away to Australia via Lusaka, Livingstone, Zimbabwe and South Africa. Some mines steal our minerals in the name of exploring. If [I] was not here, the mining areas could not have been here! The clever whites do this because they know I cannot do anything. I am not educated, I am weak, have no army, no police. But things are now changing. Today there is uneducated me but tomorrow a Dr will be sitting here[2].

[2] The chief passed away in December 2008 and a medical doctor was installed as new chief in September 2010 (LusakaTimes, 29 September 2010).

In some cases, even those investors who acquire land through the chiefs are not always in good terms with the chiefs and local communities. This is normally the case with adroit investors who, at the time when they are seeking the chief's approval, ensure that they do whatever it takes in order to win local acceptance. However, the moment the investor secures a title deed his/her attitude towards local communities changes and this eventually deteriorates the relationship with local people. As a result of this type of behaviour, the chiefs become more cautious when deciding to allocate land to private investors. This may also be due to prospects of commercialisation as argued by Keivani and Mattingly (2007). The value of land in the periphery of cities/towns is too high to be given out carelessly. It is perhaps because of the high value, and scarcity of land, that chiefs here are more likely to be involved in run-ins with their subjects as both the chiefs and their subjects battle it out to protect what either party feels belongs to them. It is therefore not surprising that unlike in rural areas where the relationship between the chiefs and subjects is characterised by excessive allegiance, submissiveness, obedience and respect, the relationship between chiefs and subjects in Mushitala and Mumena is characterised by accusation/counteraccusation, volatility and lack of respect to the chief. According to the communities, their chief sides more with the outsiders when making decisions to allocate land. In fact, the communities claim that the chief never consults them in land matters. Instead, he just 'sells' the land whenever he so wishes. This behaviour on the part of the chiefs is also widespread in other parts of Zambia. For example, one chief in Northern Province is reported to have refused to allocate land to a local authority for a housing project but instead opted to directly deal with the private housing developer (Mulolwa, 2006).

The prospects of commercialisation, experiences of the impacts of previous conversions of customary land, and previous run-ins with their chiefs can be construed to be the main factors that influence the opinions of people on private investment. For instance, after Kansanshi Mine in Mushitala acquired more land from the area chief in order to expand their mining operation, the mine enclosed the entire mine in a wire fence. The local residents lost their livelihoods, particularly the fields as all these became a property of the mine. Compensation was promised by the mine at K800,000/ha (about US$200/ha) but none of the respondents had been paid by the time of fieldwork. As a result of these enclosures, many residents sought refuge in a neighbouring chiefdom, earning themselves a locally-derogatory name-tag 'the Israelites', in reference to how Moses led the Israelites from the problem-prone ancient Egypt to the 'promised land'.

In addition to the construction of the fence, Kansanshi mine also erected concrete billboards with the words *strictly no entry mine area* clearly inscribed (plate 1).

Plate 1: Telltale sign of exclusion/enclosure

Source: Field survey data, 2009

While these enclosures are essential for safety reasons, they can easily anger communities who may feel that their rights of access to pool resources are being undermined (Brown, 2005). Little wonder people living in Mushitala have no better words for the investors:

> One disadvantage [of the new investors/mines] is people now are suffering because of no building, no cultivating. Then the second one the area has been wire fenced people are suffering as you can see there are people who can have that money to buy iron sheets and there are some people who can manage to thatch their houses. Therefore, the area where you can get some poles, fibre, rafters so those things are being closed. The other one is they have brought some confusions because in one way the time we had ZCCM [the defunct state-owned Zambia Consolidated Copper Mines] there was no confusions like this; put on these beacons and other things. If we go down there there are a lot of them (verbatim interview extract with CS, 2007).

Deaths from road accidents as a result of rapid development also emerged to be one of the main impacts of private tenure-related investments. It was revealed that these deaths were as a result of mine drivers over-speeding through the settlement as they aim to meet set targets. At the time of fieldwork, 4 children were reportedly run over by cruising vehicles in the previous year alone.

On the positive side, however, it was reported that in addition to the improved physical infrastructure in the area (scenic beauty, road network, water and sanitation, garbage collection, corporate social responsibility, provision of health facilities), the investments have triggered income-generating opportunities for the residents as some of them rent out their houses to mine employees. Similar livelihood opportunities are reported by Keivani and Mattingly (2007) in the case of Bangalore where demand for housing and other small-scale commercial developments surged due to growth in the Information Technology industry. In fact, the demand for housing in Solwezi is now so high that another form of rental market has developed. This is a ‘multi-tenant’ or ‘house-share’ rental scheme where, instead of an individual taking up the entire house, several tenants occupy a single house, each occupying one, two or more rooms depending on individual needs. For the landlords, proceeds from such schemes can be higher than in the case of the traditional schemes where an individual tenant occupies the entire house. The house-share scheme in Solwezi is ideal for employees at Kansanshi mine given that most of them were ‘poached’ from the neighbouring Copperbelt Province, and given the job insecurities in the mines, most of them opted not to relocate their families to Solwezi. They are in Solwezi only Mondays to Fridays while at week ends they return to the Copperbelt. Mushitala has particularly attracted the multi-tenant rental scheme because its location is very close to the mine as many employees prefer to live closer to places of work. There is also a boom in the small and medium sized enterprises (SMEs) in Solwezi as sales from the informal sector (e.g. sweet shops) increase due to the influx of salaried immigrants.

While they can provide employment to local communities, the mines are accused of human capital import where even jobs that could easily be done by local people were outsourced to ‘experts’ from ‘abroad’. Furthermore, there were complaints of discriminatory wage structures where for the same position and same type of job, a local employee was paid far less than their expatriate counterpart.

Like in many countries in the region, private investment on converted land attracts payment of taxes in form of royalties and ground rent. But how the government manages these revenues is a source of concern on the part of communities (especially chiefs). The chiefs argue that the moment the investors convert customary land by acquiring title they cease to pay homage to the chiefs. Instead, they become accountable to the state where they pay ground rent. Meanwhile, when the communities want to exploit ‘their’ natural resources (e.g. canoe building), they are required to acquire a license at a fee. The general consensus is that royalties arising from the exploitation of these resources should be shared pari passu between the communities and government. These perceptions can have an impact in terms of how communities would receive investors.

Another element that emerges from this research is the issue of the role of ancestors in land administration. Agbosu (2000), Peters (2002) and Schoffeleers (1979) report that in most communities in Africa land is regarded as a community asset and ancestral heritage to which no single individual should claim exclusive ownership. It is believed that the ancestors have an influence on how decisions on land should be made. This research reaffirms the idea that land tenure and administration is indeed hugely affected by traditional beliefs. Some respondents explained that some pieces of land are specifically reserved for the dead and as a result such land cannot be privatised. As one chief noted:

> My brother …if there is anything that is so sacred in our African culture, it is issues to do with death. That is sacred, and so we don’t expect people to just take it. This is why we are saying we must be involved we ourselves when it comes to alienating land because local knowledge is important. People want to get land and give it away but I know that land is important to me because my ancestors when they first came from the Kola they first settled there. So I want to protect that, I want to protect that, why? It has a history attached to it. So if I just give away that, I am giving away my history, and I am giving away my identity, I am giving away everything that is

> about me. And for a chief mine is to preserve the heritage - past, present and future. If I don't protect that I am good for nothing. And I give away even such places where the bones of our people are lying, in the name of development? I sign papers to give it away? Posterity will judge us very harshly because this is my land, it is your land, it is our land.

Land markets

As stated earlier, private investment has the potential of increasing pressure on land as more people migrate to such areas for economic opportunities. This in turn will have its own impact. In the case of the present study, the respondents were found to be more likely to privatise their land in order to protect themselves against eviction. Also, although data on land sales are not available, personal experience and informal discussions with the respondents reveal that the benefits of selling an untitled piece of land in peri-urban areas outweigh the costs of registering the same piece of land (due to lengthy, often unknown titling process). This is particularly true if the sale is done by the poor residents who do not possess the power, negotiation skills and the required legal knowledge to participate in the market. Nevertheless, people here do sell their land to the rich who are willing and more able to register the land. After disposing of their land, the poor people will then be forcefully evicted by the 'invisible hand', pushing them further to the outskirts.

It is evident therefore that privatisation of land in peri-urban areas introduces the conflict between the aspirations of high and medium income earners and those of the poor residents as the latter find themselves entangled in the decision dilemma of whether to keep their land or dispose it off in order to benefit from privatisation-related commercial opportunities. This is precisely what was happening in Mushitala at the time of fieldwork. In order to meet the growing demand for land, the Solwezi Municipal Council (SMC) needed to expand the municipality boundary but since the land in the periphery of the town was tribal land, the local authority needed to negotiate from the local chief to convert the land to state land, after which it was going to be allocated to private investors. But the land was at the same time being occupied by the chief's subjects. At the same time Kansanshi Mine needed to acquire more land from the same chief to expand its operations. The chief thus needed to decide on who, between the investor (mine) and the quango (SMC), to allocate land. The negotiation process became very controversial as a series of meetings between the chief, SMC, the Department of Lands (then represented by this author in his capacity as Provincial Lands Officer), the mine and the area Member of Parliament (MP) would be characterised by volatility, suspicion and deadlocks. Eventually, this created enmity between the chief and his subjects as the latter was reportedly not consulting subjects in these negotiations. In the end the chief decided to share the land between the local authority and mine. At the time of the first phase of fieldwork in August 2006-February 2007, the mine land had already been wire-fenced while the portion that had been acquired by the council had already been demarcated in readiness for allocation to private applicants. This move angered the residents as they were now facing eviction threats – but were being 'protected' not by their chief, but by their MP.

Concluding remarks

Land reform in Africa in general and Zambia in particular is a topic that continues to be contentious. Conversion of customary to leasehold tenure to facilitate private investment is particularly attracting huge interest from governments and the development agencies as they search for models capable of unlocking the 'dead capital' in customary lands. The major arguments of triggering investment and facilitating economic growth through enhancement of security of tenure, stimulation of land market and access to credit have continued to dominate much of the customary land reform literature. However, these reform proposals will continue to be frustrated by those who feel that traditional forms of holding land are still relevant especially to those communities who consider farming to be a way of life and not a business. Traditional rulers are particularly at the centre of the land reform controversies as the chiefs are prepared to thwart any efforts that seek to weaken their longstanding traditional role of ensuring that social peace and the traditional political structure are maintained through equal access to rural resources.

The lesson from Solwezi seem to support the argument that while it can have a huge potential, private investment seem to have a positive impact in terms of the broader economic development while benefits to poor local communities still remain to be seen. We have seen how in an effort to protect themselves against eviction due to market forces resulting from private investment, people seek to title their land but since they cannot cope with the rigors of the process, the poor are forcefully relocated to the periphery of the town as the more valuable land is taken up by the richer individuals. Even the arguments of land markets and access to credit seem to be week in the case of Solwezi. If they do, poor people sell their land before it is even titled. This may not be surprising in a country where only less than 1% of land is on title (Deininger, 2003). This raises the chicken-and-egg question of whether the privatisation of tenure actually triggers land markets or whether it is in fact the potential of land markets that triggers privatisation of land tenure?

Coming to the broader issue of poverty alleviation, it can be argued that the fight against poverty and hunger (which is often the main aim of many land reforms in sub-Sahara Africa) cannot be fought on one front like land reform alone. As once metaphorically remarked by one economist, many governments of developing countries attempt to address the issues of poverty and hunger on piece meal basis. Such strategies are destined to fail because:

> Policy makers are like six blind men in the presence of an elephant: One grasps the animal's searching trunk and thinks the elephant is a snake; another finds its tail and thinks the elephant is like a rope; a third is fascinated by the large, sail-like ears; another embraces its leg and concludes that the elephant is a tree. No one views the elephant in its totality, and thus they cannot come up with a strategy for dealing with the very large problem at hand (de Soto, 2000: 74).

Therefore, while stimulating private investment through conversion of customary land is a good starting point, other complementary strategies, as well as the social/cultural aspirations of communities need to be taken into account if poor citizens are to benefit from government policies seeking to promote private investment. This will however be overshadowed by the fact that aspirations of the elite land reform policy stakeholders are often at odds with those of the poor communities.

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