

Joyce Nambela was smiling merrily, but the story she was telling was a sad one. She and her husband, bus driver Victor Zulu, had saved for years to build a home in Kalililiki, a shanty town east of the capital Lusaka, near the affluent neighborhoods of Ibex Hill and Kabulonga. The family had acquired the land without proper documentation, and they paid a big price when the house was demolished in April 2007 by council and state police.

The family scrounged together 30 million kwacha (US\$7,550) and managed to rebuild the house. Nambela has formalized all documentation with the council, and the family now pays rates to local authorities. Even so, they lost about 21 million kwacha (US\$5,290) in the incident.

Nambela is one of hundreds of people in Zambia who have suffered a similar fate. Hundreds of houses have been demolished in Lusaka and other parts of the country, including in Solwezi in the North-Western Province, where demand for land has swelled due to an influx of money from copper mining.

Zambia, a central southern African country of some 11.9 million people, is one of the most urbanized countries in sub-Saharan Africa, and competition for prime land is intense.

Zambian President Patrick Mwanawasa, a former lawyer who came into office in 2001 on a platform of combating corruption, recently described the Ministry of Lands as the most corrupt institution in the country. The president fired Minister of Lands Gladys Nyirongo following a series of corruption scandals at the ministry. Several senior officials have either been fired or suspended.

The purge at the land office was one of the positive developments of the past year, said Henry Machina, head of the Zambia Land Alliance (ZLA), a network of nongovernmental organizations advocating for fair land policies and laws that take into account the interests of the poor. Nevertheless, members of the ruling Movement for Multi-Party Democracy often invade owned but vacant land and sell it illegally, without the knowledge or consent of the owners.

Many shanties or other unplanned settlements have sprung up in recent years, posing huge socio-economic and environmental challenges. Machina attributes their appearance largely to corruption. "Government must be seen to be active in the fight against corruption, especially

when it comes to land allocation,” he said. “We must find solutions to people’s needs, especially land, because people are appreciating land more than ever before, and they know the value of owning land.”

Machina also says there are many problems in Zambia with the way land has been allocated to people in the past, particularly by the local authorities and the Ministry of Lands. “There have been complaints by people in the country that land has been allocated to people with money and those with connections in high offices. Common people have been failing to access land as a result of corruption,” he said. The problem is compounded by lack of transparency, as far as the people of Zambia are concerned. “They don’t know where to go to get what, and they are asked to pay fees for things to move,” Machina said. He strongly believes that the current legal system is inadequate and therefore promotes corruption as there is no transparency in land management.

There are two categories of land title in Zambia: State (English land law) and customary land law, both recognised by the Lands Act of 1995. State land is administered by the Ministry of Lands through the commissioner of lands and has delegated powers to local authorities to administer it on behalf of the central government. Under customary land law, traditional leaders administer according to their traditions and customs.

Unfortunately there are no up-to-date statistics indicating how much land falls under each category. Statistics compiled in the 1950s suggest the split was about 6 percent state and 94 percent traditional, but much of the traditional land was given away to create state farms, game and forest preserves and private farms. The ZLA says the government has not undertaken a land audit to ascertain what has remained.

Machina acknowledges that there has been improvement in terms of addressing corruption in the land administration in the country, but he cautions that a stronger political will is needed, and to sustain it, the law must change.

The other challenge is that Zambia’s land policy currently only exists in draft form. “We need to finish with it, then review the laws and address the issue of corruption,” says Machina.

The good news is that there is a rising tide of people speaking out on corruption issues, and most people want to follow proper procedures, especially when it comes to land acquisition.

That's a sentiment shared by the Anti-Corruption Commission (ACC), an autonomous institution created by the government to spearhead the wider corruption battle in Zambia. The ACC recognizes that corruption is a big problem, and since it was created many years ago, the commission has tried to promote integrity, transparency and accountability, in order to promote good governance, sustainable development, and a climate of zero tolerance for corruption.

The ACC's mission is looked upon favorably by Western donors, who often raise governance issues, including corruption, when funding projects in the developing world. For example, the country has qualified for the Zambia Threshold Program, which aims to make institutions improve services to its citizens and reduce corruption. When the participating institutions meet their objectives, Zambia will qualify for the Millennium Challenge Account (MCA) Compact. This will give the country access to funds from the United States Agency for International Development for specific programs aimed at reducing poverty and stimulating economic growth.

The ACC admits that it's clear that 90 percent of government funds are lost through corruption and abuse of office by those in high places. "This is what makes corruption in Zambia unique," said an ACC spokesperson.

The ACC says the current government accountability systems are porous and need work. One improvement, however, is the recent introduction of integrity committees (IC) in institutions that are perceived to be most prone to corruption by the public. So far they have been introduced in seven institutions, including the Ministry of Lands. "It's hoped that the ICs will help in eliminating opportunities for corruption and increase transparency in these institutions," a spokesperson for the ACC said. The government is also reviewing the law on corruption in order to strengthen it further and provide for internationally acceptable best practices.

The ACC says the activation of the National Anti-Corruption Policy at the end of 2007 should lead to substantial reduction in corruption, although it admits its goal of achieving a significant reduction of corruption in Zambia will take several years to realize. It further states that there is growing grass-roots support from for the fight against corruption as the public becomes more aware of its harmful effects and is therefore less willing to condone it. One example of such a development is the formation of a National Anti-Corruption Forum, which aims to promote joint activities in the fight against corruption. It is comprised of members of Parliament, civil society organizations,

government watchdog institutions, the media and other key stakeholders.

