

Facilitating Land Access for the Copperbelt's Periurban Farmers¹

Lack of secure access to land is a significant constraint for periurban residents in Zambia's Copperbelt Province to realise the potential of urban agriculture as a livelihood strategy. This paper explores the role of the Copperbelt Urban Livelihoods Project (CULP)² in facilitating the resolution of land disputes affecting poor periurban residents using an "interest-based negotiations" approach.



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Participation of women in the negotiation of land should be ensured

By helping farmers to organise into associations with a legitimate, credible voice, CULP made a real negotiation process possible. As a third party, the project then facilitated negotiations, based on identifying common interests and potential for mutual gain.

BACKGROUND

Zambia is one of the most urbanised countries in sub-Saharan Africa. As a result of the formerly vibrant mining sector, the Copperbelt is Zambia's most urbanised province. However, since the late 1980s, employment in the mining sector has declined dramatically. Repeated rounds of "retrenchment" have left more Copperbelt households reliant on the informal sector for their income and food production with each passing year. CULP was started in 1997 to help alleviate the growing poverty in these periurban areas. The strategic aim of CULP's activities is to promote the empowerment

of individuals and organisations by assisting them in enhancing their capacity to secure their livelihood and to improve their environment. To achieve these ends, the project implements a set of inter-linked community- and household-based strategies.

CULP's baseline study, conducted in January 1997, found that agricultural production made a significant contribution to household economies, both in terms of generating cash income, and in providing subsistence food. The poorest households reported spending as much as 90% of their income on food. This suggests that household food

production was and is a very important strategy for improving food security.

Periurban farmers in the Copperbelt are men and women with low incomes, who grow food largely for consumption, on small plots, which they do not own, with little if any support or protection. Attempts by poor urban residents to gain access to land are often fraught with conflict. Some Copperbelt farmers have secured access to land through informal agreements with local chiefs or private landowners. In other cases, they have "squatted" on land belonging to state or parastatal agencies over many years. However, these arrangements are highly vulnerable to changing circumstances.

The Land Tenure (1998) and the Agricultural baseline (April/May 1999) surveys commissioned by Oxfam Zambia in selected settlements in three urban centres on the Copperbelt highlighted that many urban and periurban dwellers in the area see small-scale farming as a means of survival, and with more and more people being retrenched from formal employment, the problem of land access is getting worse. The surveys also pointed to two aspects of the problem: land tenure insecurity for those who have



Figure 1: Zambia's Copperbelt Area where CULP has been active

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land, and the lack of access to land for those who want it. Many people do not have a clear idea of the land acquisition or de-gazetting process. The number of periurban residents who have actually secured a title to their land is less than 5% in most settlements – (Hansungule et al. 1998).

ENTRENCHED POSITIONS: LAND-OWNERS VERSUS PERIURBAN “FARMERS”

One of the priorities identified during participatory needs assessment exercises was to gain more secure access to land, through lease-hold or other agreements, or through actual issuance of a title. Although most of the farmers with whom CULP was working were farming land that was outside the direct control of municipal authorities, CULP’s approach to facilitating more secure land access included involving municipal, parastatal and other actors in an open negotiation process.

The parties involved had strong positions. The farmers claimed their basic human right to have access to adequate food. Historically, the mining sector in the Copperbelt had attracted them to give up life in the rural areas for life in the (periphery of the) city. Now that the mines could no longer support them, and the ties with the rural areas were broken, they were doing what they needed to survive. It was difficult for them to negotiate, since the cost of losing all access to the land was so high. The landowners’ position was equally strong, and was founded more on economic rights. In their view, the other side had no rights. Patterns of fear and mistrust had evolved over the years, and little effort had been made to negotiate with the other side. Shortly before CULP became involved, incidents that verged on violence had

KEY STEPS OF PRINCIPLED NEGOTIATION

- Separate the people from the problem.
- Focus on interests, not positions.
- Invent options for mutual gain.
- Insist on using objective criteria.

occurred at the Farm College, and MEF had hired armed guards to protect their land. CULP helped the farmers in Chibote to establish Farmers’ Associations - with a legal status, leadership and organisational credibility, and thereby a legitimate voice - with which MEF could negotiate.

FACILITATING INTEREST-BASED NEGOTIATIONS

Following the approach described by Fisher and Ury (*Getting to Yes* (1991)), described as “principled negotiation”, the Mindolo case is analysed following the suggested key steps. This analysis is useful both to replicate and strengthen the approach, and to train CBOs and other partners in its use.

Separate the People from the Problem

As a neutral third party, CARE was able to bring the sides together ensuring that each side learned more about the other’s needs, and developed a shared ownership of the problem. The MEF management was initially not inclined to take the needs of the farmers seriously. However, it became increasingly difficult for them to maintain their position once they knew the families who would be affected. The idea of land that could be used to grow food and provide an income for the farmers and their families lying idle became a problem for them.

Separating the people from the problem is crucial, but another important role of NGOs in land disputes may be - as in this case - using a third party to bring the *right* people together. Emotions were high and were blocking the process in Chibote. If CARE had not taken steps to involve MEF and the Kalulushi Municipal Council in open negotiations, and had merely worked with the community members and facilitators, it could have been perceived as taking sides and lost its ability to facilitate the negotiations. However, by facilitating open discussions, CARE was able to help the people involved deal with the *problem*, rather than with the people.

Focus on Interests, Not Positions

CULP helped the different sides understand **why** the other seemed to be so adamant about its position. Making the different **interests** explicit is a crucial part of the process. Although the Mindolo management knew that many people had been farming the land for years, it did not understand the importance of this activity

MINDOLO FARM COLLEGE

In the settlement of Chibote, agriculture is a particularly important livelihood strategy. Most of those who were practising agriculture at the time of the CULP baseline survey in 1997 were doing so on land belonging to the Ministry of Agriculture, Food and Fisheries (MAFF), at the Mindolo Farm College. This land had been expropriated in 1981 from the Mindolo Ecumenical Foundation (MEF). After nationalisation, much of this land was under utilised by the Farm College. Throughout the period of nationalisation, Chibote residents farmed on the Mindolo farmland with no opposition as the government was not utilising all the land (4000 hectares).

In 1997, after sixteen years of legal disputes, MEF once more took over ownership of the Farm College. The MEF farm manager held a meeting with the Chibote community and advised them to stop farming on the land belonging to MEF. The community did not resist but tried to persuade the farm management to give them some time. After a protracted debate with the community, the institution proposed to get armed security guards to stop the people from trespassing on the farm. Continued meetings with the farm management revealed that they intended to intensify production and land use on the farm (“to become the bread basket of the Copperbelt”). This intensification plan left no room for further encroachments by the farmers. At this point the community vowed never to leave the farmland, but to try to co-exist with MEF.

CARE started to facilitate discussions between the two parties, proposing some kind of partnership for co-existence. The proposal was to allow farmers a small portion of land in exchange for labour, given that the management had no intentions of mechanising the operations. Unfortunately, the proposal was turned down and security was tightened instead.

for meeting the basic needs of very poor and vulnerable households. Once this was understood, the interests of the farmers became part of the problem that needed to be resolved.

By talking about interests, and by presenting the fact that farmers were now organised and had a leadership that was representative and accountable, the negotiation process began **looking at new possibilities**. Previously, Mindolo’s position had been reinforced by their bad past experiences (uncontrolled use of land); and by perceptions (farmers never do what they say they will do; if we grant access to some, what next?). CARE helped the parties to begin looking ahead at what could be accomplished with mutual interests in mind, and by assessing alternatives. The alternative of negotiating with an organised group that claimed they could and would adhere to certain

Organised and accountable farmers associations can negotiate successfully

conditions was clearly preferable to the status quo.

Invent Options for Mutual Gain

Mutual gain follows from an understanding of each others' interests, and by looking forward at possible new solutions. Any agreement that would allow the farmers secure land access for a definite period was preferable to the prevailing situation. The farmers' associations could in return offer protection of the land from encroachment, and care for the land.

Convincing the landowners that mutual gain was possible was one of the key steps in this process. It looked they were having the power, being the owners of the land. Once the farmers were part of an organised association with credible leadership, they had a new and valuable asset: their ability to offer controlled land use and thereby reduce the costs and risks to the landowners. As a third party, CULP worked with the two sides to bring this opportunity for mutual gain to their attention and to convince them that an agreement was a preferred alternative to no agreement.

Although it took time, the open negotiation process facilitated by CULP allowed the search for "options for mutual gain" to continue. In 2003, Mindolo entered into discussions with Kalulushi Municipal Council to release 1,300 Ha of land, some of which will benefit the Chibote Cooperative Society Limited (formerly the Farmers' Association). It appears that during more than three years of continued dialogue, the members of the Cooperative Association have been able to convince MEF that controlled, responsible use is preferable to land lying unused or to uncontrolled squatting, which is otherwise bound to happen.

Insist on Using Objective Criteria
In order to ensure that the

different interests of the parties are met, it is essential to agree on how to evaluate the agreements. In another case, for instance, in which CULP facilitated agreements between the George Farmers' Association and ZAFFICO (Zambia Forestry and Forest Industries Association), the two parties agreed on clear indicators to assess whether, and to what extent, farmers were living up to their agreement to protect trees on ZAFFICO property that they were farming. According to the agreement, farmers could only grow specified crops (legumes, green manure, maize) and were not supposed to damage trees by using defective tools.

CONCLUSION

Organised and accountable farmers associations can negotiate successfully to secure land access, which is a key constraint to the viability of periurban agriculture as a livelihood strategy.

CULP has demonstrated that NGOs can play an important role in improving security of land tenure for periurban farmers, by facilitating interest-based negotiations between landowners and aspiring farmers. At least three components were crucial to the success of this process: Organisation of farmers into groups; willingness and ability of the farmers to adopt appropriate land-use practices; and credibility of the NGO or other third-party facilitator. At the same time, other related aspects should be addressed explicitly, to ensure that the process is successful and replicable. Firstly, *full participation of women* - in the farmers' associations, in the negotiation of land access, and in securing access to land titles - should be ensured. Typically, women are even less able than men to negotiate the legal hurdles associated with gaining secure land access or titles. Secondly, CBOs and other interested parties should develop the *capacity for interest-based*



CARE Zambia

Mutual gain was possible

negotiation skills themselves. There is not always a third party able or willing to facilitate the process when CBOs lobby for their interests and rights. Developing this capacity is crucial to ensuring the ability to maintain ongoing negotiations and dialogue. Thirdly, Municipal Councils in both Ndola and Kalulushi have seen the potential benefits of organised urban agriculture, and have started to identify and allocate plots to Farmers' Associations. However, this is being done without an *official policy or plan*. CULP and others NGOs or urban policy institutes could play an important role in *further legitimising* urban agriculture in Zambia by assisting Councils to develop such plans and policies. Finally, one should take greater advantage of "backyard gardening" opportunities. While land access is a key constraint to extensive agricultural production, most periurban settlements in the Copperbelt do provide adequate space for rainfed backyard gardening. Most residents grow small patches of maize and vegetables in close proximity to their homes. A change in council policies to permit growing of maize and technical training would further increase the existing production.

NOTES

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2) CULP is funded by the Royal Netherlands Embassy, Lusaka, and implemented by CARE Zambia and its community and Municipal Council partners.



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Farmers could only grow specified crops

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