



**Submission on the Ramifications of the Agricultural Lands
(Amendment) Bill
N.A.B No. 31 of 2026**

Submitted to the committee on Agriculture, Lands, and Natural Resources

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1. About the Civil Society for Poverty Reduction- CSPR

Established in 2000 in response to Government's call for civil society participation in the development of Poverty Reduction Strategy Papers (PRSPs), the Civil Society for Poverty Reduction (CSPR) is a national network of over 104 civil society organisations operating at grassroots level. CSPR works to facilitate the meaningful participation of poor and vulnerable communities in national development processes.

Over the past 25 years, CSPR's mandate has evolved to promote inclusive participation in the design, formulation, and implementation of National Development Plans (NDPs), as well as to strengthen citizen engagement in monitoring progress towards poverty reduction and human development outcomes in Zambia.

CSPR currently operates in 17 districts across Zambia, with provincial satellite offices in five provinces: Choma, Mongu, Solwezi, Mansa, and Chipata.

For more information, visit: www.csprzambia.org

Introduction

The Civil Society for Poverty Reduction (CSPR) welcomes the opportunity to make submissions on the Agricultural Land (Amendment) Bill N.A.B NO 31 of 2026. This submission provides a critical analysis of the Bill and proposes recommendations to strengthen its responsiveness to the needs of all citizens, particularly vulnerable and underserved populations.

This memorandum provides a detailed analysis of the Bill's objectives, key amendments of the bill, potential risks, and anticipated socio-economic and institutional ramifications. It further proposes actionable recommendations to strengthen the Bill and ensure it delivers equitable, efficient, and sustainable outcomes.

Overview of the Bill

The Agricultural Lands (Amendment) Bill, 2026 seeks to amend the principal Act by:

1. Revising the composition of the Agricultural Lands Board
2. Introducing new representation (e.g. House of Chiefs, CSOs)
3. Clarifying decision-making procedures and quorum requirements

While the Bill appears administrative in nature, its implications are structural and governance-related, particularly regarding land allocation, oversight, and accountability.

Key Objectives of the Bill

First, the Bill aims to revise the composition of the Agricultural Lands Boards which reflects a deliberate effort to strengthen the governance framework for agricultural land administration in Zambia. By restructuring the membership of the Board to include representatives from the private sector, key government ministries, legal institutions, farmer organizations, traditional authorities, economists, and civil society, the Bill seeks to ensure that the Board is more inclusive, balanced, and representative of diverse stakeholder interests. This revision moves away from a narrowly constituted, government-dominated body toward a multi-stakeholder institution capable of making informed, transparent, and accountable decisions. In practical terms, this enhances the credibility, professionalism, and legitimacy of the Board, while also promoting participatory decision-making and reducing the risk of political interference in land matters.

Second, it seeks to provide for matters connected with, or incidental to the forgoing serves to ensure that all necessary legal, administrative, and operational issues arising from the revised Board structure are properly addressed. This includes provisions relating to the appointment process, qualifications and disqualifications of members, procedures for nomination, and the functioning of the Board in carrying out its mandate. Such incidental provisions are essential because they give full effect to the primary objective by establishing a coherent and workable legal framework. Without these supporting measures, the changes to the Board's composition would be incomplete and potentially ineffective. Therefore, this objective ensures legal clarity, continuity, and smooth implementation of the reforms, thereby reinforcing the overall effectiveness of the Agricultural Lands Board in managing land resources.

Key issues for consideration

1. Ministerial Control vs Institutional Independence

The Bill provides that members of the Agricultural Lands Board are appointed by the Minister and further allows the Minister to retain significant influence over the tenure of Board members, including through provisions relating to removal or the triggering of reconstitution upon expiry of terms.

While ministerial involvement in appointments is not uncommon within statutory bodies, the concentration of both appointment and tenure control within a single authority raises important concerns regarding the independence and impartiality of the Board. The absence of clearly defined safeguards such as transparent appointment procedures, fixed tenure protections, or independent oversight mechanisms creates a governance structure that may be susceptible to undue executive influence.

This is particularly significant in the context of agricultural land governance, which is inherently sensitive and economically consequential. Decisions relating to land allocation, access, and use have far-reaching implications for livelihoods, investment, food security, and social equity. In such a context, the perception and reality of independence are critical to maintaining public trust and ensuring that decisions are made in a fair, transparent, and merit-based manner.

The concentration of authority in the appointing body may therefore give rise to several risks, including:

1. Potential politicisation of land allocation decisions, particularly where land may be allocated based on patronage rather than objective criteria
2. Weak accountability of Board members, who may be perceived as primarily answerable to the appointing authority rather than to the law or the public interest
3. Increased risk of elite capture, where access to agricultural land may disproportionately favour politically connected individuals or entities
4. Erosion of stakeholder confidence in the governance of land resources, particularly among smallholder farmers and rural communities

In the absence of institutional safeguards, these risks may undermine the broader objectives of equitable land distribution and sustainable agricultural development.

2. Composition of the Board: Inclusivity vs Balance

The proposed revision to the composition of the Agricultural Lands Board represents a notable effort to broaden stakeholder representation and introduce a more multi-sectoral perspective into land governance. The inclusion of diverse actors such as traditional leadership, civil society, private sector representatives, and professional bodies signals an intention to make the Board more inclusive and reflective of the different interests that intersect within the agricultural land sector.

In particular, the inclusion of the House of Chiefs is a significant and positive development, given the central role of traditional authorities in the administration of customary land. Similarly, the inclusion of civil society organisations and professional bodies such as those representing economics and agriculture introduces opportunities for greater technical input, accountability, and oversight in decision-making processes.

Collectively, these provisions have the potential to enhance multi-stakeholder participation, improve the quality of deliberations, and ensure that decisions are informed by a broader range of perspectives, including customary land considerations and socio-economic factors.

Key Concerns

Despite these strengths, there remain important gaps relating to representation and balance that may limit the effectiveness of the proposed composition.

(a) Limited Representation of key Stakeholders

The Bill does not explicitly provide for representation of critical stakeholder groups, particularly:

- i. Smallholder farmers, who constitute the majority of agricultural land users in Zambia
- ii. Women's land rights groups, despite persistent gender disparities in access to land
- iii. Local authorities, who play an important role in land use planning and local governance

The absence of these groups raises concerns about whether the Board will adequately reflect the interests of those most directly affected by agricultural land decisions. In particular, smallholder farmers and rural communities who are often the primary users of agricultural land may remain underrepresented in decision-making processes.

This creates a risk that Board decisions may continue to be skewed towards commercial, institutional, or elite interests, rather than promoting equitable access to land and inclusive agricultural development.

(b) Ambiguity in Civil Society representation

The provision for "a civil society organisation concerned with human rights, land administration or gender" introduces an important accountability dimension. However, the formulation is broad and lacks specificity.

In its current form, the provision:

1. Does not define the criteria for selection of the civil society representative
2. Does not outline the process for nomination or appointment
3. Leaves room for discretionary interpretation, which may undermine transparency

This ambiguity creates a risk that the intended representation of civil society may not effectively reflect the diversity of interests within the sector or may not prioritise organisations with demonstrated expertise in land governance or community representation.

Taken together, these gaps suggest that while the proposed composition improves inclusivity at a general level, it may not fully achieve balanced representation. Without deliberate inclusion of key stakeholder groups and clearer criteria for representation, the Board may fall short of ensuring equitable, participatory, and accountable land governance.

It is our considered view that in order to strengthen the effectiveness and legitimacy of the Board, the Bill should:

1. Explicitly provide for representation of:

- i. Smallholder farmers
 - ii. Women's land rights organisations
 - iii. Local authorities
2. Establish clear criteria and transparent processes for the selection of civil society representatives
3. Consider incorporating provisions that promote gender balance and equitable representation across all categories of Board membership

As CSPR, we feel that Ensuring balanced and clearly defined representation within the Board is essential not only for inclusivity, but also for enhancing the credibility, legitimacy, and effectiveness of agricultural land governance in Zambia.

Role of the House of Chiefs

The inclusion of the House of Chiefs in the composition of the Agricultural Lands Board represents a significant and progressive step towards recognising the central role of traditional authorities in land governance in Zambia.

A substantial proportion of agricultural land in Zambia is held under customary tenure, where traditional leaders exercise authority over land allocation, access, and use. In this context, the involvement of the House of Chiefs has the potential to:

1. Bridge the gap between customary and statutory land administration systems
2. Ensure that decisions of the Board are informed by local realities and traditional land practices
3. Enhance the legitimacy and acceptance of land-related decisions among rural communities

This inclusion therefore reflects an important acknowledgment of the need for inclusive and context-sensitive land governance frameworks.

Despite its significance, the Bill does not clearly define the role, mandate, or scope of participation of the House of Chiefs within the Board.

This lack of clarity presents several risks:

1. It is not clear whether the representative of the House of Chiefs will have an advisory role or full decision-making powers equivalent to other Board members.
2. There is a potential risk of tokenistic participation in the absence of clearly defined functions of the House of Chiefs. Its role may be largely symbolic thus limiting its meaningful contribution to deliberations and decisions.
3. Potential conflict between statutory and customary systems because of the absence of clear guidelines, differences in approaches to land allocation between customary practices and statutory frameworks

4. is not specified how the representative will engage with, or be accountable to, the broader institution of traditional leadership.

These gaps may limit the effectiveness of this provision and create uncertainty in how customary land interests will be integrated into formal land governance processes.

The implications of all this are that if not clearly defined, the role of the House of Chiefs may not fully realise its intended value in strengthening land governance. Instead, it may lead to fragmentation in decision-making, reduced coherence between customary and statutory land systems and missed opportunities to leverage traditional knowledge and authority in resolving land-related challenges

We therefore think that in order to maximize the value of this inclusion, the Bill should:

1. Clearly define the role of the House of Chiefs representative, specifying whether the role is advisory or carries full decision-making authority
2. Outline the scope of influence, particularly in relation to matters involving customary land
3. Establish mechanisms for coordination between the Board and traditional leadership structures, to ensure consistency and accountability
4. Provide guidance on how potential conflicts between customary and statutory systems will be managed

In our view as CSPR, Clarifying the role of the House of Chiefs is essential to ensure that its inclusion translates into meaningful participation and contributes to a more coherent, inclusive, and effective land governance system.

Summary of Key Amendments and Implications (Section 4)

The proposed amendment to Section 4 of the Agricultural Lands Act introduces a more structured and multi-stakeholder composition of the Agricultural Lands Board. By incorporating representatives from government, the private sector, professional bodies, traditional leadership, and civil society, the amendment reflects an effort to broaden participation and bring diverse perspectives into land governance.

This shift has the potential to enhance the inclusiveness and legitimacy of decision-making processes, particularly by recognising the role of customary land systems and introducing voices that can contribute to more socially responsive and technically informed outcomes. The introduction of a nomination-based approach to appointments and the requirement for a professionally qualified Chairperson further signal an intention to strengthen governance standards and reduce excessive concentration of authority.

At the same time, the effectiveness of these reforms will depend on how representation translates into meaningful participation. While the structure is more inclusive, there remain risks related to the balance of influence among different actors, particularly

between commercial interests and the needs of smallholder farmers and rural communities. In addition, the continued role of central authorities in final appointments suggests that concerns around independence and transparency may not be fully resolved.

Overall, the amendment represents a positive step towards more participatory and accountable land governance. However, its impact will largely depend on implementation, including the clarity of roles, fairness in representation, and the extent to which the Board is able to operate in a manner that is responsive to the broader public interest.

Key Amendments of the Bill section 6

The proposed amendments to Section 6 seek to strengthen the procedural clarity and operational efficiency of the Agricultural Lands Board by defining quorum and decision-making processes. The establishment of a fixed quorum of five members provides certainty and ensures that Board proceedings are formally constituted before decisions are made. Similarly, the introduction of majority voting, coupled with a casting vote for the presiding officer, enhances the Board's ability to reach decisions efficiently and avoid deadlocks.

These changes are likely to improve the predictability and continuity of Board operations, which is essential given the time-sensitive nature of land administration decisions. However, the effectiveness of these provisions will depend on how well they support inclusive and balanced participation.

In particular, a relatively low quorum threshold may allow decisions to be taken without adequate representation of key stakeholders, potentially undermining the broader objective of inclusivity introduced under the revised Board composition. Additionally, the casting vote provision, while useful for resolving ties, may concentrate decision-making authority in the presiding officer in closely contested matters.

The amendments also do not provide for safeguards to ensure balanced participation within quorum requirements or address emerging governance considerations such as transparency in voting procedures and participation modalities. As such, while the provisions enhance efficiency, there remains a need to ensure that they are complemented by measures that uphold inclusiveness, accountability, and stakeholder confidence in the Board's decision-making processes.

CSPR's Recommendations

To strengthen the effectiveness, inclusivity, and accountability of the proposed amendments, CSPR recommends the following:

1. **Enhance Board Independence:** Introduce clear, transparent, and merit-based appointment procedures, including defined qualification criteria and independent vetting, to reduce excessive executive influence and strengthen institutional credibility.
2. **Strengthen inclusive representation:** Provide for minimum representation thresholds for key stakeholders, including women, smallholder farmers, civil society, and customary land representatives, to ensure meaningful and balanced participation.
3. **Clarify the role of Traditional Leadership:** Clearly define the role and scope of the House of Chiefs within the Board, particularly in relation to customary land matters, to avoid ambiguity and strengthen coherence between statutory and customary systems.
4. **Introduce Conflict of Interest and ethical safeguards:** Establish mandatory disclosure requirements, recusal procedures, and a code of conduct to prevent undue influence and ensure decisions are made in the public interest.
5. **Refine quorum requirements:** Revise quorum provisions to require not only a minimum number of members, but also representation from key stakeholder groups, to safeguard inclusive decision-making.
6. **Balance decision-making Powers:** Introduce safeguards on the use of the casting vote and consider requiring a qualified majority for critical decisions to prevent over-concentration of authority.
7. **Strengthen Transparency and Accountability:** Provide for publication of Board decisions, clear reporting obligations, and accessible grievance or appeal mechanisms to enhance public oversight and trust.
8. **Invest in Capacity Building:** Support continuous training for Board members, particularly those from civil society and marginalized groups, to ensure effective and informed participation.
9. **Establish Monitoring and Oversight Mechanisms:** Introduce periodic performance reviews, stakeholder feedback systems, and strengthened parliamentary oversight to ensure the Board operates effectively and in line with its mandate.