

ANALYSIS OF THE NATIONAL LANDS POLICY - INFOGRAPHIC



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INTRODUCTION

Government launched the National Lands Policy on the 11th of May 2021 in a bid to streamline land administration and management services in the development of the country. The National Lands Policy has been put forward to improve land administration and management in order to place the country's land development on a sustainable path. Since independence, land administration in Zambia lacked an adequate Policy framework as the country only had fragmented Policy pronouncements by Government. Due to the complexities surrounding land management and administration, a comprehensive Land Policy framework was necessary to spearhead land development.

VISION OF THE NATIONAL LANDS POLICY

A transparent land administration and management system for inclusive sustainable development by the year 2035

Guiding Principles of the National Lands Policy

- Governance:** The Policy will uphold good Governance principles and practices in land management and administration;
- Transparency:** Communication is free flowing; processes, institutions and information are accessible to those concerned; and enough information is provided to understand and monitor them;
- Equity:** People of all status have **afforded opportunities** to access land; and
- Accountability:** Public officers involved in land administration and management must be accountable to the general public.

NATIONAL LANDS POLICY OBJECTIVES



The Policy has **8 strategic objectives** with various policy measures aimed at improving land management and administration. These are:

- Strengthen the **land allocation mechanisms** in order to improve security of tenure.
- Enhance the **land registration system** in order to increase **volume of registered properties, accuracy, capacity, and affordability** as well as convenience of land registration.
- Strengthen the **land dispute management mechanisms** in order to reduce caseloads and attendant costs for clients.
- Facilitate ownership of **land by Zambian citizens** in order to promote decent livelihoods and socio-economic development.
- Regulate the **land ownership of non-Zambians** in order to facilitate reasonable access to land.
- Enhance the functioning of the **land market** in order to make the sector more beneficial to the economy.
- Mainstreaming of **Climate Change, Natural Resources and Environmental Protection** in land administration and management for sustainable development.
- Achieve a **gender sensitive and youth friendly land sector**, which is inclusive of **persons living with disabilities and other socially marginalized groups**.

LAND MANAGEMENT AND ADMINISTRATION

- Zambia has a dual land tenure system; **State and Customary land** with all land vested in the President on behalf of the Zambian people.
- Zambia has a surface area of approximately **752,614 square kilometres** with **about 94% of its land under the customary land system and administration**, while **8% of both state and customary land is reserved for national parks and about 9% for forests**



- Government is conducting a **National Land Audit** in order to ascertain the quantity of land currently held under the State and Customary tenure.
- Between the years 1975 to 1995, Zambia's land market was **underdeveloped due to laws that prohibited the buying and selling of land.**



- However, the liberalisation of the economy and the development of the **Lands Act of 1995 helped ease these restrictions to make land more accessible to citizens.**
- The opening up of the land market also leads to challenges in land administration and management such as; the **emergence of unplanned settlements, land hoarding for speculative purposes, unequitable land distribution, encroachment, displacement and land related disputes among others.**
- This has also resulted in **individuals owning large tracks of land that are undeveloped and under-utilized.**

ACCESS AND OWNERSHIP OF LAND



- The National Lands Policy seeks to make land more accessible in a systematic manner in order to **improve land development** taking into account an individuals' utilisation capacity.
- State land can be acquired through **application to the Ministry of Lands and Natural Resources or respective Town Councils.**
- Government also runs a **Resettlement Scheme** under the Office of the Vice President to which citizens can apply for land while Farm Blocks have been made available through the Ministry of Agriculture.
- Customary land can be accessed through **Chiefs in their respective Chiefdoms.**

SECURITY OF LAND TENURE



- Land tenure security has been a critical area of concern for Government and landowners, particularly for land ownership under customary tenure.
- This is due to inadequate documentation for landowners, which increases the incidences of land disputes.
- Another challenge impacting the effective administration of **customary land is that traditional authorities are apprehensive of titles issued by Government as this could limit their control over their Chiefdoms** since customary land would have to be converted to state land.
- Similarly, some land owners under the state land tenure lack adequate documentation i.e. Offer Letter, Letter of Sale, Invitation to Treat, Occupancy License, Land Record or Certificate of Title to prove their claim on their parcel of land.
- The Policy seeks to address this by ensuring that all land is legalised and documented in order to increase land security.

- Non-Zambians can acquire land through the open-market or be alienate land by the President but are limited to provisions in the Lands Act
 - Land accessed through the open market has potential risks such as; illegal land deals where land is offered to more than one buyer.
 - Another risk is that the **"willing buyer- willing seller" principle entails that land prices cannot be regulated, making purchases on the open market much more expensive.**
 - Furthermore, there is no formalised land market for customary land hence the prices are relatively cheaper than land offered under state tenure.
- The National Lands Policy also seeks to make land more accessible to every citizen with special recognition given to women, the youth and persons with disabilities.
- This is especially important since securing land rights increases an individual's agency and socioeconomic status and decreases their vulnerability
 - The lack of security of land under customary tenure and inadequate documentation for state land has made it easier for people to be **displaced, especially vulnerable groups such as women, differently abled persons and youths.**
 - Henceforth, Government has revised land distribution quotas to **50% of available land for alienation being reserved for women and 20% for the youth and persons with disabilities.**
 - This pronouncement is in line with promoting gender equality and socio-economic inclusion of women, the youth and persons with disabilities as envisaged in the National Gender Policy, National Youth Policy and National Disability Policy.
 - Furthermore, Government has also reduced the contractual age for youths to own land from 21 to 18 years. This will make land more accessible to young people and enable them to contribute to the growth of the economy by venturing in agricultural and entrepreneurial activities.

NATIONAL LAND TITLING PROGRAMME



- The Ministry of Lands and Natural Resources through Medici Land Governance has been rolling out the **National Land Titling Programme (NLTP)** aimed at **documenting and administering Certificates of Title to all landowners.**
- The programme seeks to provide simplified; low-cost land titling services to targeted areas, **regularize unplanned settlements and prevent displacements, as well as reduce inequalities of access to land ownership due to income differences.**
- It is envisaged that the NLTP will increase the revenue base and investment in the country thereby contributing to socio-economic development.
- Before the NLTP, the country only had about 142,000 Certificates of Title, which is relatively low considering the expansion in the acquisition of property countrywide.
- So far, **300,000 and 53,453 Title Deeds** were issued through the **Sporadic Titling Process and the Systematic Land Titling Programme** by end of 2020 respectively.

RECOMMENDATIONS

- PMRC urges Government to expedite the **National Land Audit Programme in order to ascertain the amount of land under customary and state tenure.** This could help improve the planning, administration and management of the resource.
- Considering the **dual nature of land tenure**, there is need to strengthen land management and administration systems of both state and customary land.
- As Government rolls out the National Land Titling Programme for state land, there is need to consider issuing **special documentation for land held under customary tenure in order to uphold customary land rights for land owners.**
- There is need for a strengthened multisectoral approach to enhance land management and environmental protection strategies in view of heightened risks to climate change effects and environmental degradation.
- There is need to update **chiefdom boundary maps and reserve land such as forests and national parks** in order to minimise land disputes and encroachments.
- PMRC urges Government to **expeditiously reform laws governing land such as the Land Surveying Act, Lands and Deeds Registry Act and the Lands Act for effective implementation of the Policy** in order to ease land management and administration.

