



REPUBLIC OF ZAMBIA

**MINISTRY OF LANDS, NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION**

DRAFT NATIONAL LAND POLICY

This is a draft National Land Policy and as such is a working document and not a final policy document. It should not be quoted and interpreted as the policy of the Government of Zambia or any other government ministry or department until it has been finally agreed to and adopted.

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Foreword

Acknowledgements

Working Definitions

Adjudication refers to the determination of rights in land often in event of land claims.

Alienation refers to making of grants and dispositions by the state.

Allodial land refers to and that is not subject to any rent, service, or acknowledgement to a superior.

Arbitration refers to settling of a dispute by a person or persons chosen to do this by parties to a dispute.

Boundary refers to either the physical objects for marking the limits of a property or an imaginary line or surface marking the division between two legal divisions.

Cadastral Survey refers to survey observation and measurement to determine property boundary, location, ownership and associated attributes.

Cadastre refers to a land record. A parcel based and up-to-date land information system (not necessarily computerised) containing a record of interests in land (i.e. rights, restrictions and responsibilities). It includes a geometric description of land parcels (usually as a map, but not necessarily) linked to other records or registers describing the nature of the interests, and ownership or control of those interests, and often also the value of the parcel and its improvements.

Certificate of Title refers to an officially issued and signed document by the Registrar of Lands and Deeds, as prescribed by law, that is proof or evidence of fact that a person has been granted legal rights or title to land by the state in accordance with the lease agreement.

Communal rights refer to the right to use land and resources by a group such as a family, community or clan. Such rights are often exercised under customary tenure.

Consent refers to granting of legal right by the state to a lessee to transact in land e.g. transferring of rights or to sub-divide property under lease.

Conversion refers to changing mode of ownership of land or land tenure i.e. converting customary tenure to leasehold tenure or vice-versa.

Coping strategies refers to short-term measures applied when a household or community does not have sufficient income or food to meet all its essential needs.

Customary Land refers to land where customary tenure is exercised (formerly Reserve and Trust Land)

Customary tenure refers to land rights that are controlled and allocated according to traditional practices. These rights are not uniform and differ according to prevailing social norms and cultural practices and attitudes to land. They range from individual, family or groups of families, clans and tribal land ownership; where such land is used communally through various tenancy arrangements.

Customary Title: refers to a legal holding of land ownership of land individually or collectively identifiably occupied and used for cultivation, grazing or hunting prior to sovereignty to the present day.

Data refers to collection of facts.

Database refers to an organised, integrated collection of data (land database).

Demarcation refers to marking or fixing the limit or boundary of a land parcel.

Dispute refers to an argument, quarrel and controversy between persons over a land matter e.g. boundary dispute.

Dual Tenure refers to co-existence of two tenure systems such as i.e. leasehold and customary tenure.

Easement refers to a right held by one person to make specific, limited use of land owned by another person.

Empowerment refers to lawful rights to access, own land or other property and enjoy benefits accruing thereof to a person or a special group of persons and often is used to persons that may be historically or socially underprivileged e.g. women, the poor and landless people.

Environmental security refers to the capacity of individuals and groups of people to live harmoniously with nature on a sustainable basis, while meeting their basic needs.

Equity refers to principles of fairness and fair play with regard to decisions on land access, distribution and ownership.

Family Title refers to legal rights to land registered under title for members of a family.

Fee simple refers to the estate in land that a person has when the lands are given to him and his heirs absolutely, without any end or limit put to his estate. Land held in fee simple can be conveyed to whomsoever its owner pleases; it can also be mortgaged or put up as security. Owners of real property in fee simple have the privilege of interest in the property during their lifetime and typically have a say in determining who gets to own an interest in the property after their death.

Fiscal cadastre refers to a register of properties recording their value

Food security refers to the capacity of households, communities and the state to mobilize sufficient food through production, acquisition and distribution on a sustainable basis.

Freehold Tenure refers to mode of landholding where the landholder holds land in perpetuity - free of any obligations to the state except for the payment of taxes and observation of land use controls imposed in public interest.

Gender is refers to a socio-economic variable used to analyse roles, responsibilities, constraints and potentials of men and women, which give rise to the social relationships between them.

Geodetic: Refers to a branch of applied mathematics or the scientific discipline that deals with the measurement and representation of the Earth.

Geospatial Data is information that identifies the geographic location and characteristics of natural or constructed features and inter-relationships of such features.

Governance is the act of affecting government and monitoring (through policy) the long-term strategy and direction of an organization. In general, governance comprises the traditions, institutions and processes that determine how power is exercised, how citizens are given a voice, and how decisions are made on issues of public concern.

Ground rent is payment by tenant (lessee) to landlord (state) for specified period of time in accordance with lease agreement. Person holding land under lease agreement is obliged to pay ground rent to the state.

Information refers to data transformed into a form suitable for the user.

Institutional Reform refers to change in the administrative structures of institutions involved in land management.

Investment is a commitment or self-sacrifice by using money and other resources and to give time and effort to acquire and develop land for useful gain or profit.

Juridical cadastre is a register of ownership of parcels of land

Land Lease is an agreement for temporary use of land by lessee, who pays rent to the lessor (owner i.e. the state in the case of statutory lease)

Land administration refers to functions involved in implementing land management policies.

Land information management is the managing of information about land.

Land information system is a system for acquiring, processing, storing and distributing information about land.

Land includes the surface of the earth and the materials below the surface and all substances below the surface, things naturally growing on the land, buildings and other structures permanently affixed to land.

Land management is the proper and sustainable utilisation of all aspects of land including the formation of policies.

Land market is the exchange of values related to land between buyers and sellers

Land parcel is a tract of land, being all or part of a legal estate.

Land policy defines the principles and rules governing property rights of land and the natural resources it bears; including the legal and institutional arrangements and methods for land access and use, validation and transfer of rights.

Land registration is the recording of rights in land through deeds or as title.

Land tenure is the mode of holding rights in land; system of access to and control over land and related resources or the set of relationships among people concerning land or its use.

Land tenure reform refers to change in the terms and conditions of holding land through an established authority.

Land transfer is the transfer of rights in land.

Land use is the manner in which land is used.

Land value refers to the worth of a property, determined in a variety of ways that give rise to different estimates of economic value

Lands Tribunal is a mandated body with the authority to settle land disputes appointed by the Minister of Lands in accordance with the Lands Act (1995).

Leasehold tenure refers to a system where land belonging to one entity (the state) is, by contractual agreement, leased to another entity for a fixed period of time.

Lessee is a tenant or person who leases land.

Lessor is Landlord or Owner who leases out land (e.g. the state).

Livelihood strategies are the ways in which assets or resources are used to generate access to food and other basic needs of life.

Lot is an agricultural smallholding.

National Spatial Data Infrastructure is the technologies, policies and people necessary to promote the sharing of geospatial data throughout all levels of government, the private and non-profit sectors, academia and citizenry.

Mortgage is a contract by which a borrower commits land as security for a loan.

Multi-purpose cadastre is a register of attributes of parcels of land

Ownership is the exclusive right to use a parcel of land and enjoy the yield from land and improvements. It also includes the right to transfer the parcel to another person. Rights are restricted by state legislation.

Poverty is the lack of basic capabilities to live in dignity.

Property rights refer to rights and duties held by people that include individual or collective rights, duties and regulations relating to property.

Public land is any land that is held in trust and managed by the Government and or Traditional Authorities for use as national parks, forest reserves, conservation areas, recreation areas and historic and cultural sites or any land set aside for public use, such as for establishment of public educational, health service and other public institution.

Rate is tax on land and buildings paid by property owners to local authorities.

Repossess refers to legal revocation of rights to land under a lease by the state where a lessee has failed to comply with lease conditions.

Resettlement refers to a situation where the state relocates and settles special groups of persons i.e. under privileged, vulnerable or displacement persons such as retirees and unemployed youth.

Reserve land is land set aside by law in public interest for public use, such as land reserved for forests and game or providing for highways, security installations or any other public use.

Right of occupancy refers to legal land right guaranteed by a local authority to a person

Settlement is a planned place, usually designated by the state, where several persons gain access to land (property) and come to live and share some social amenities and physical infrastructure in agricultural or urban settlement.

Stand is a parcel of land created for residential, commercial and industrial purposes.

Spatial data infrastructure in reference to The National Spatial Data Infrastructure (NSDI) defined as the technologies, policies, and people necessary to promote the sharing of geospatial data at all levels of government, the private and non-profit sectors, and the academic community.

Spatial is "pertaining to space".

Squatter refers to someone who occupies land illegally or without legal authority.

State Land is land where leasehold tenure is permissible (formerly Crown Land)

Statutory allocations refer to land that is set aside by law for use by a legally constituted function or institution

Statutory Title is legal right to land i.e. title granted to a person by the state.

Sub-division is partitioning or breaking up a parcel of land into smaller parcels.

Sustainable livelihoods exist when systems of human livelihood can cope with and recover from stresses and shocks, and maintain or enhance their human capabilities and assets without undermining the natural resource base.

Tenure security is the degree of confidence held by people that they will not be arbitrarily deprived of the land rights or of the benefits deriving from their land.

Title registration is land registration that confers a guarantee of the title by the government.

Topography refers to the physical features of the earth's surface (topographic map).

Transparency is the state of conducting land business or transactions in a clear, unmistakable and accountable manner.

Vestment refers to exercise of power or interest of control of land.

Wetlands refers to “areas of marsh fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh or brackish...”

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I. Introduction

Land is the basis of wealth of nations and the platform for the survival of all life forms, human, and other living processes. The way that land is allocated for human and other living (and non-living) resources greatly determines the character, quality of human life and pace of development. In Zambia, the Head of State controls all the land on behalf of the people. However, the State President has delegated land administration functions to the Commissioner of Lands.

Land administration involves the regulation of land ownership, its use and development. In order to regulate land in society, land administration discharges land survey and mapping services to support the registration of land among various users and the valuation of properties for tax purposes. In Zambia, the valuation function is delegated to the Ministry of Local Government and Housing. Similarly, the land use management and planning function is also delegated to the same Ministry of Local Government and Housing. Meanwhile, other specific land use planning and management functions are spread out among different Government departments such as Agriculture for planning of agricultural lands, the wildlife land use management for preparation of General Management Plans in national parks and Game Management Areas is under the department of national parks and wildlife and respectively for fisheries, forestry, roads, railways, energy and water. The emerging institutional architecture has a bearing on the efficiency and effectiveness of delivery of land affairs in the country.

Zambia is now poised to formulate a comprehensive national land policy in order to improve on the allocation of land and management of land uses in the development of the country. The national land policy will lead to equitable access to land and associated resources women and all the people of Zambia, poor and rich. The new policy will strengthen land tenure security, particularly among the rural and urban poor in order to enhance sustainable and productive management of land resources in a more transparent and cost-effective manner and at the same time provide for a better framework for conservation and protection of ecologically sensitive areas and a cost-effective and efficient settlement of land disputes.

The lack of a coherent national Land Policy throughout the 50-year long post-colonial history led to indiscriminate use of land and poor land development practices that need correction. There is now an urgent need to improve on land administration and management not only to preserve the country's remaining pristine conditions, serenity and beauty, but also to place the country's land development on a sustainable path.

The revised Land Policy Document is guided by the Constitution of the Republic of Zambia and the National Vision 2030 Document. It is furthermore led by the positions of all the political players, leading representatives of society and industry as well as the situation arising from emerging issues, such as climate change impacts on land and the impacts on local land rights arising from the international rush for African land for agriculture, wildlife conservation and agricultural fuels in which Zambian land has not been spared.

In light of these and other issues the Government of Zambia has through the Ministry of Lands, Natural Resources and Environmental Protection (MLNREP) has consulted with various actors and stakeholders to come up with a comprehensive land policy that enhances the contribution of land administration towards achievement of the national development objectives of poverty reduction, strengthening good governance and the rule of law and accountability in land administration and society at large.

This policy will help to avoid, or in the worst-case scenario, minimise the occurrence of land grabbing and corruption practices, enhance equitable access and secure tenure to land for all citizens. The policy will ease poverty reduction through an economically sound, socially equitable and environmentally sustainable allocation and use of land and ring about clear, easy to operate effective and well-organized systems for delivery of land administration and management services. The emergent environment will be investment friendly because there will be a fair system of land dispute handling at all levels of society. The remodelled land administration and management system will support research and discourse in all aspects of national geography, land economy, law and information studies. The policy will also contribute to enhanced security of Zambia's territorial integrity and at all times offer control of trans-boundary resources and encroachments.

The Policy is organised as follows: the analysis of the current situation is presented as a backdrop to the vision of the policy. The situational analysis provides a critical analysis and review of the existing situation. It sketches the background, causes and current status of the issues to establish an appropriate foundation of what should be done to the problems that the policy seeks to resolve.

The vision of the policy is next and simply states the anticipated end state following policy implementation. The vision helps to visualise the pursuit of the objectives that can get achieve the desired end. The Vision is followed by the rationale. This section amplifies the justification, the reason why it is important to have the policy or why the policy problems should be resolved.

Section V presents the Guiding principles of the policy. This section expatiates the underlying doctrine or philosophical values of the nation upon which the policy should be based. The values are drawn from the Republican Constitution, the national vision, economic, social and political values to contextualise the immediate policy objectives.

The objectives of the national policy should meet a number of important criteria and above all, they should be **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime bound, (SMART) so that they can be used to understand progress in implementation of the policy and determine the degree of success. Furthermore, the objectives should be clearly written so that they reflect the problem that the policy seeks to redress.

Section VII presents the policy measures, strategies or actions of the policy on various land administration and management affairs. The measures prescribe roles, responsibilities and functions of actors and stakeholders that are required in order to

achieve the objectives of the policy. In this regard, the document presents land administration issues before the land use planning and management where there is a considerable degree of room for inter-sectoral policy coordination and consideration of cross cutting measures such as infrastructure and gender, youth, children and the physically challenged persons.

Section VIII is the implementation framework. This section presents the policy measures applicable to implementation aspects in terms of institutional framework, the rules and organisational processes required for policy execution. This section seeks to streamline the roles of actors and stakeholders by removing identical or incompatible roles and functions among key players in the implementation of land policy strategies. The presentation of the institutional framework follows the same logic as in section VII except that this section is divided into four parts; the first one being the policy machinery per se. The second section is on the legal agenda to support the implementation of the national land policy framework as a whole. The third section recommends resource mobilisation and financing measures required to realise the goals and measures of the policy. The fourth and final part of policy execution presents the monitoring mechanisms.

II. Situation Analysis

Zambia covers 752,614 square kilometres of land and is divided into 10 provinces and 105 districts. Zambia has an international boundary estimated to be 5,664km and shares borders with eight countries namely Angola, Botswana, Democratic Republic of Congo Malawi, Mozambique, Namibia, Tanzania and Zimbabwe. The total length of Zambia's boundary is estimated to be 5,664 km. The international boundary needs regular maintenance to safeguard territorial integrity. There are isolated boundary encroachments in those places where there are no physical marks hence the need to continuously re-define the border to avoid any land related conflicts with her neighbours.

2.1 International and internal boundaries.

Maintenance of international boundaries is required to safeguard territorial integrity and sovereignty. There are isolated boundary encroachments where there are no physical markings. It is necessary to continuously maintain and re-define Zambia's international boundaries from time to time to uphold the territorial integrity of the country. The Joint Permanent Commissions with neighbouring countries is the appropriate forum for coordination of external boundaries.

2.2 Internal Boundaries

The boundaries between provinces, districts, constituencies, chiefdoms and protected areas are not always clearly defined on the ground. There is need to clarify internal administrative boundaries for better controls and limitation of encroachments on protected areas.

Clear borders are also required within the country between villages, chiefdoms, districts, constituencies and provinces to minimise conflicts between them. Village boundaries are not clearly defined leading to regular conflicts between them particularly over shared resources. District and provincial boundaries also need delineation to clarify jurisdictions

and avoid duplication and conflict among administrative authorities. Similarly the limits of nature reserves; forests and national parks need clarification for better controls and limitation of encroachments.

2.3 Vestment

Land in Zambia is vested in the Republican President who holds it in trust for and on behalf of the people. The President may, through the Commissioner of Lands, alienate land to citizens or non-citizens. The vestment of land in the President is one of the contentious clauses in the post-multiparty democratic dispensation. There is concern that vesting land in the President places too much power in the hands of the President. Critics argue lack of checks and balances in land vestment by the President potentially raises high the spectre of political interference in land and potentials for abuse of office by the person exercising this power.

2.3 Land Tenure

Zambia has two systems of land holding, customary and leasehold tenure. The dual system of landholding has helped to preserve some aspects of cultural practices. But, lack of uniformity in the administration of land has its own challenges. Properties on customary and leasehold tenure do not have similar status in law, which disadvantages customary land holdings.

In effect, by upholding the dual land tenure system, Zambia has continued to maintain the colonial system of land reservation according to which some people are citizens, enjoying the full protection of their property rights, including land rights and others are subjects, 'occupants of vacant land,' where their property and land rights are not legally protected. This situation means that citizens do not have equal land rights before the law. There is a strong case for extending legal protection of the rights of 'landowners' under customary tenure in order to equalise the rights of citizens to land and property.

2.3.1 Leasehold Tenure

On the other hand, leasehold tenure is essentially a tenancy to the State, for which rent is paid, without which, the occupier maybe evicted. Whereas, no rent is payable, under customary tenure. Ownership and security are virtually unrestricted. Occupants can invest without fear of dispossession. They can pass on the property to their designated heirs without any restriction.

Leasehold tenure applies to state land and a very small part of customary land. Total land on leasehold is estimated at 10 per cent of the country. About 40 per cent of the country's population is on leasehold tenure. Apart from hosting a disproportionately large part of the population, most economic activities; nearly all urban areas, industry and commercial farmland are on this part of the country. Natural population increases, rural-urban migration and urbanisation rate contribute to rising pressures on this smaller part of the country, while the rest of the country is relatively idle. The population pressures on state land are compounding the problem of access and equitable allocation of land. Unplanned settlements in urban areas and illegal land development are common and

pervasive. Unless this land is well planned and efficiently managed, there will be more land development problems in the near future.

2.3.2 Customary Tenure

On the other hand, the customary land accounts for 60 per cent of the population. However, much of this land is overlaid by other state controlled land uses. The wildlife estate, consists of national parks (8%) and Game Management Areas (22%) is entirely on customary land, while forest reserves areas (9%) are shared across with most of them being on customary (66%) land and state land (24%) accounts for a smaller part. The establishment of reserves and discovery of mineral resources practically terminates customary control and creates large spheres of state control on customary domain.

Customary tenure has by and large been more successful than leasehold tenure in meeting the needs of the people. The administrative procedures are simple and easily implemented. Land issues are dealt with efficiently and decisively. The problem, however, is that the land rights are never registered, although their recognition is guaranteed. No attempt has been made to reform customary tenure. However, the obtainment of title deeds to customary land must be facilitated by simplified government machinery for land delivery.

Customary land is also coming under increasing pressure. Customary land rights on the urban fringe are increasingly becoming ambiguous due to intrusion by rapidly approaching city developments. Peri-urban land is privately being sold to developers by some traditional authorities, often without the knowledge or benefit of the residents. The decisions of Chiefs over land allocations in many parts of the country can no longer be regarded as being in line with custom. Gradually, landlessness is growing and it may not be long before homelessness becomes an urban feature.

Furthermore, customary tenure has challenges with respect to environmental conservation of common resources due to lack of land use controls and is associated with overuse, leading to resource degradation. Customary tenure land rights are not registered and are difficult to define. Credit institutions do not recognise such rights as collateral. Rights to land derived from customary tenure are subject to local practices and beliefs and sometimes such customs can be used to exclude others from owning land on basis of their origins, status and gender.

In addition, the disorderly pattern of human settlements on customary land in the countryside can be explained by their spontaneous development. Their disordered nature is makes it difficult to accommodate competing land uses. It is also very difficult to find ample space for different remunerative activities, without migration, as available land to rural households is gradually shrinking due to land fragmentation by rising population of residents. This is set against existence of relatively wide-open spaces that unfortunately may not be accessible. Rural residents have to claim new land for settlement and sometimes this happens to be on public land reserves, forests and wildlife areas. Even marginal areas, marshes and steep hillsides are gradually being encroached and degraded

because of population increases and the irregular way of starting settlements in rural areas. There is need for orderly provision of land for various uses.

2.4 The Global Land Rush

The growing Global land rush for large-scale agricultural investments for bio-fuels, food and water due to rising commodity shortages and prices has made it clear that the law in its current form no longer offers unequivocal protection for customary land rights holders. Land that is used in common, as collective communal property, in the countryside is increasingly predisposed to alienation on the recommendation of the state or through sanction by Chiefs, without requirement for community agreement. Therefore, being a lawful occupant of customary land no longer provides sufficient protection because when this happens, compensation is not sufficient, as the evicted households are not adequately remedied, such as to include the value of the alienated land. The law does not give customary land interests equivalent protection as those of private properties acquired through 'statutory' tenure to ensure that when customary land rights are exposed to external interests, there is a valid redress as it is the case for other citizens on statutory leases.

III. The vision

The vision of the National Land Policy is an efficient and effective land administration system that promotes security of tenure, equitable access and utilisation of land for the sustainable development of the people of Zambia.

IV. Rationale

Zambia has two land tenure systems, namely customary and statutory (based on principles of English property law) land tenure systems. The net effect of these tenure systems on land administration was to perpetuate a dual system of economic relationships consisting of an export enclave controlled by a small number of European settlers where statutory tenure applies and a subsistence periphery operated by a large number of African peasantry under customary tenure.

As a result of this dichotomy, Zambia has persisted with the colonial legacy that keeps the large part of society outside the land law, policies and procedures. Customary land is essentially outside formal land administration. Access to land in rural Zambia is largely informal as rights are not recorded and legally enforced.

There is no land use planning system in customary lands. This is increasingly making it difficult to allocate where in various parts of the country socio-economic activities such as agriculture, housing, industry, recreation and commerce should take place. As population and human aspirations increase, land becomes an increasingly scarce resource, calling for land-use planning. This includes protecting well-defined areas from development due to environmental, cultural, historical, or similar reasons and establishing provisions that control the nature of development activities. Land-use planning is important to mitigate the negative effects of land use and to enhance the efficient use of resources with minimal impact on future generations.

It is now necessary to adopt a policy that allows land use planning principles through out the country in order to accommodate actions to mitigate climate change impacts, sustaining forests, food, water and health benefits to help local communities and to conserve biodiversity and ecosystem services.

The institutional framework for land administration and management has since independence confined itself to state land. The recognition of the customary land tenure has up and until now been for the purposes of conversion to leasehold rights and not to protecting it because when rights to land are converted to leasehold, the landholding does not reverse to customary tenure. All land information management systems; environmental concerns, conflict/dispute resolution, public land allocations and the management of the informal sector only involved state land. This land policy seeks to adopt a unified approach to land administration. It recognises land rights originating from customary tenure as the same as the leasehold land rights: customary land rights shall henceforth be equal in weight and validity to documented land claims.

This approach seeks to guarantee to all Zambians, especially the poor, women and the youth a reasonable opportunity to gain access to land with secure rights, in order to fulfil their basic needs for housing and productive livelihoods. It will ensure that rights to property are supported by the legal system so that all the citizens have access to a fair, equitable and accountable land administration system. Such a system shall also apply to the rights of foreign investors resident in Zambia.

A policy is needed that balances the needs of rural and urban areas through effective land use planning and controls which promotes optimal land utilization in all areas and sectors; promotes the effective management of urban lands, rural production and social support centres for the development of sustainable infrastructures and other approved developments within the centres and hinterlands.

The policy seeks to bring about orderly management of land in the country. It seeks to reduce general indiscipline in the land market, characterised by land encroachments, multiple land sales, use of unapproved development schemes, haphazard development, indeterminate boundaries of customary lands due to lack of reliable maps and plans, compulsory acquisition by government of land in public interest, strengthening of the land administration system and streamlining land uses, especially where large scale land based investments such as mining and agriculture are involved. , The policy will also seek to strengthen land dispute handling.

Even though the policy measures set in this document will not answer all land problems, they provide the framework and direction for dealing with the issues of land ownership, security of tenure, land use and development and environmental conservation on a sustained basis. One key element of the policy thrust is community involvement, the leading persons and traditional authorities, as well as, government agencies in the process of land administration and management. It provides for an administrative framework that is inclusive of all actors and stakeholders.

In line with the principle of participatory democracy, provision has been made in the document for periodic review and adjustment of the document and legislation to reflect emerging realities in land administration and challenges in the country.

V. Guiding Principles

5.1 Statement of Policy

The National Land Policy takes land as a basic resource common to all the people of Zambia. In this regard, the Government is obliged to offer equal access and protection of rights to land for use and enjoyment by all citizens through an efficient and transparent land administration system to reduce poverty and promote growth and sustainable development. Secure property rights underpin stable livelihoods, maintain social stability, and increase incentives for investment and for sustainable, productive land use. Making land rights transferable enables all people, including the poor access to land through sales and rental markets or through public transfers and further increases investment incentives. The implementation of this policy will be based on the following guiding principles:

- (i) The inviolability of Zambia's sovereignty through protection and security of her international boundary in accordance with Constitution of the Republic of Zambia, the Charter of the African Union and the United Nations Organisation.
- (ii) Mutual benefit for shared resources with Zambia's neighbours.
- (iii) Land as a common heritage, a national and communal resource and asset for meeting long term needs of the people of Zambia;
- (iv) Citizenship as right to land individually, severally and or collectively anywhere in Zambia;
- (v) The optimal use of land among uses and users such as for human settlement uses, conservation, food production, infrastructure, industry and commerce;
- (vi) Subsidiarity, devolution and decentralisation in land administration and management;
- (vii) The protection of the right of access and wise use of water bodies in the long-term interest of the people of Zambia.
- (viii) Fair and equitable access to land and secure tenure among all the people of Zambia irrespective of their abilities, race, beliefs, gender, ethnicity or geographical location.
- (ix) The user liability for restoration of environmental changes to land values;
- (x) The centrality of land markets in the development of Zambia subject to land use guidelines.
- (xi) Public sector facilitation of private sector leadership in the economic development of Zambia subject to land use and environmental guidelines;
- (xii) Government facilitation of land development and delivery and organisational capacity of land related service institutions.
- (xiii) Participation, accountability and democratic decision making within communities and Government, the public and development partners.
- (xiv) Adherence to due process in land disputes handling and management

VI. Objectives

In order to achieve the Vision of the National Land Policy the objectives are to:

- (i) Maintain international boundaries at all times in order to control encroachments and enhance security of citizens;
- (ii) Facilitate equalisation of land rights of all the people of Zambia to land through education and information, accountable and transparent land registration, adjudication and guaranteed justice;
- (iii) Conserve the country's biodiversity and landscape;
- (iv) Develop and promote a positive cultural relationship between people and the land.
- (v) Reduce poverty and gender barriers in land administration;
- (vi) Develop functional, efficient and sustainable land markets;
- (vii) Develop effective and efficient land administration and management institutions;
- (viii) Provide for mitigation and prevention of climate change impacts, natural hazards and disasters;
- (ix) Ensure research and discourse in all aspects of national geography, land economy, law and planning and information studies.
- (x) Provide a framework for management, avoidance and resolution, of land disputes.

VII. Measures

7.1 International Boundaries

It is essential to avoid any boundary conflicts with neighbours. Government will cooperate with Zambia's neighbours and ensure that boundaries are clearly marked to prevent land disputes. Government will maintain and monitor the extent of its boundaries at all times to avoid local cross border encroachments, be it settlements, crop farming and livestock grazing or fishing or any land –related conflicts involving neighbouring countries. Government will therefore:

- (i) Establish and maintain international boundaries on land and shared water bodies;
- (ii) Monitor and regularly maintain international boundary infrastructures and;
- (iii) Sensitise the public on positioning of international boundaries.

7.2 Internal Boundaries

Internal boundaries are important instruments of national identity, fiscal, electoral administration and good governance. Clear borders between villages, wards, chiefdoms, constituencies, districts, and provinces clarify jurisdictions and help to minimise local land disputes. Similarly the limits of nature reserves; land reserved for forestry and national parks, also need clarification for better controls and limitation of human activities. The Government will:

- (i) Continuously up-date and make available all maps, narrative descriptions and ancillary data for clear physical interpretation of administrative boundaries;

- (ii) Clearly delineate and clarify jurisdictions of natural conservation areas, forests and national parks, GMAs and other protected areas.

7.3 Land tenure

Zambia is committed to improving land tenure security and strengthening property rights in order to overcome persistent poverty, hunger, and natural resources degradation and reposition the country's path of development through land administration and management reforms. Food security, large scale land acquisition, climate change induced migration, urban slum growth and rural poverty are all closely linked to issues of insecure property rights and unequal or inadequate access to land and resources. The Government will

- (i) Implement a programme for systematic adjudication and registration of land interests in state and customary land areas in order to equalise the rights of all citizens to land.
- (ii) Ensure that all allocated pieces of land on state land are titled in order to provide security of tenure, increased revenue generation, good governance, transparency in land administration, and thus contribute to sustainable socio-economic development.
- (iii) Provide equal legal protection to all landholdings, whether on customary or state land under the following land tenure classifications; customary estate, public reserve and private leasehold land In order to administer land equitably and manage its uses effectively.

7.4 Fair and Equitable Access and control to land

The Government will collaborate with traditional authorities and communities to end the appropriation of customary, clan and family land by the state; individuals and corporations by bringing all land tenure categories under the national land administration framework to enhance fair and equitable access and control to land. Accordingly, the Government will:

- (i) Introduce the customary estate, for the issuance of a Customary Title, held in perpetuity and in allodium, except for land use controls and taxation, to provide equitable avenue for legal protection of traditional land rights;
- (ii) The customary estate will enable registration of individual, family or group land rights at individual household, family, clan or village land to retain the inclusive character of customary tenure system on the basis of belonging to such a grouping or community;
- (iii) Limit the transfer of customary estate to native persons or tribal and clan institutions;
- (iv) Non-native persons, natural or corporate, eligible to own land in Zambia will have leasehold tenure rights on customary estate.
- (v) There will be minimum and maximum land holding sizes on the basis of use, capability, suitability and technology. Develop guidelines for customary land administration
- (vi) Adopt land redistribution measures to promote equitable land ownership and regulate land price escalations.

7.5 Leasehold Tenure

Interest in land held under leasehold tenure is acquired by direct grant from the President through the Commissioner of Lands and is limited to a specified period. The Title Deed confers the leasee legal rights to land during the duration of the leasehold.

- (i) All interim leasehold Titles, the 14 and 30 yearlong leases, shall be replaced by 99 year Leasehold Titles.
- (ii) The period of up to 99 year leasehold tenure for all eligible landholders will be maintained;
- (iii) Leasehold tenure shall be available to all eligible foreigners and residents alike;
- (iv) Land shall be sold before allocation at a rate determined by Government Valuation;
- (v) Land lease conditions shall be linked to land use easements, legal servitudes and other social and conservation conditions.

7.6 Customary Tenure

Previously, customary land rights, whether of an individual, family or private were not legally recognised. This created a fiction that the land was vacant, even when it was visibly occupied. Under this system transactions in land were not enforceable in law and were informally held until the holding was converted to leasehold. Conversion to leasehold required Chief's consent. This system had the potential to destroy the customary land tenure. It also masked the continuum of rights to land by individuals, families and different groups of people within the community.

The variety of customary land rights will be registered to receive statutory recognition. The Commissioner of Lands shall issue 'Customary Titles' to interests in the customary estate to all eligible citizens. The Customary Title shall describe land allocations to individuals, families and clan communities, individually and severally and shall be usufructuary and administered by a local public institution.

- (i) Private interest in customary estate shall be registered as Customary Title, held in perpetuity and freely transferable through mortgage, lease or sale according to market values and regulations.
- (ii) The right of inheritance by the children and surviving spouse of the landowner to property will be without discrimination on the basis of gender.
- (iii) The Government will sensitise the public on the advantages of private ownership of land to improve the security of investments, land transferability and access to credit.
- (iv) The land rights originating from customary land tenure shall be subject to conditions set by land use controls, such as communal usufructuary rights and state sovereignty to mineral resources.

7.7 Public land Tenure

The public land category designates all reserved land, controlled by a public agency, for public uses or where there is unclear ownership or abandonment and land that maybe unusable. In customary areas, public land includes all land that is not allocated exclusively to any group, individual or family. This designation applies to areas reserved for forest and wildlife conservation, wetlands; head waters hilly or mountainous areas

and other environmentally sensitive areas. It equally applies to land that is reserved for public health and education and any other public use such as a Park. However, the use of public land in customary areas on open access basis shall be to members of that community.

Whereas the management of any public land by a public agency or Traditional Authority could justify the granting of leaseholds, concessions and other intermediate uses, it does not automatically transfer ownership of the land to the trustee and should therefore not be interpreted as an exclusive right of ownership by the village Headperson, area Chief or Government agency.

- (i) The declaration of public reserve of customary land by the State for management by a public agency shall be co-managed with local community institution.
- (ii) Public land will not be leased for any other private use except for the same purposes for which the land was set aside.
- (iii) Change in use of public reserve land shall require statutory authority of the Lands Commission responsible for land at the bidding of the Minister responsible for the management agency;
- (iv) Private use of reserve land shall be strictly regulated, such as through a public tender for concession licence to lease public reserve land for a stipulated period. The Government shall not entertain unsolicited applications for private use of public reserves.
- (v) Private concessions on reserve land will be recorded in the Deeds Registry.
- (vi) At least 50 metres of land along a registered natural river/lake or public reservoir will be subjected to public servitudes.

7.8 Land Markets

Land markets deal with value, transfer, lease and mortgage of rights in land. Land markets build capital out of land. Poorly functioning land markets can cause several ills including land speculation, creation of slums and squatter settlements, environmental deterioration, and an inefficient urban development pattern which increases the cost of provision of infrastructure, services and transport and adversely affects the urban economy. The Government will:

- (i) Intervene in the market to speed up the rate of land transactions and development,
- (ii) Adopt measures to enable participation of all income groups in the land rental markets to safeguard current land uses without compromising future needs of society.
- (iii) Encourage competition in the sector and ensure autonomy of the regulatory institutions, strengthen implementation agencies and prepare standards and regulatory guidelines for real estate market (agents and developers) to curb land racketeering and fleecing behaviours.
- (iv) Formalise land ownership in the country to create an asset base for the poor, promote a property market, expand financial intermediation and widen the municipal tax base.

- (v) Regularly update land rights registers and real estate registers and publicise information in the registries and market trends to reduce cost of compliance.
- (vi) Encourage the development of mortgage finance and assist the poor in using land and real estate as collateral and enable institutional investors (e.g., pension funds) to invest in asset-backed securities;
- (vii) Reduce land market distortions to improve fiscal policy performance by discouraging price controls, subsidies, differentiated taxation and levies on agricultural products.
- (viii) Discourage rent controls and interest rate subsidies in preference for targeted subsidies to the poor especially rural women to enhance land use benefits.

7.9 Land Use Planning

The key to land management is land use planning. Land use planning shall follow integrated development approach and take into account the social, economic and environmental attributes of the area in assigning controls and responsibilities. In order to address problems related to spatial planning the Government will:

- (i) Develop guidelines for preparation of land use schemes that transcend land tenure categories in all district areas of Zambia and develop a comprehensive district, regional and national land use plans and a National Land Use Master plan that zones broad sections of the country to broad land uses according to planning criteria publicly agreed among all stakeholders;
- (ii) Ensure that all land for human settlements, agriculture, industry and commerce and other uses is planned, surveyed and serviced before it is allocated;
- (iii) Ensure that the planning process is participatory and responsive to the development needs and proposals from the society.
- (iv) Develop and implement spatial planning controls that meet the needs of urban and rural environments;
- (v) Adequately enable the NSDI to develop and maintain information for spatial planning;
- (vi) Land use change shall be consultative of key stakeholders and the public;

7.10 Taxation, Valuation and Non-Tax Revenues

In order to raise the contribution of land tax and related non-tax revenues to the physical and community development of society the Government will review regularly the tax base and broaden it through a complementary Title registration of all settlements to ensure that available land is allocated; titled and appropriate levies are collected.

The Government will devolve the land revenue system, simplify taxes and improve collections through decentralisation and revenue retention incentives to increase revenue collection. In addition, the Government will:

- (i) Require a certificate of payment of property tax to transfer property in order to improve compliance
- (ii) Maintain property transfer tax;

- (iii) Sell state land to applicants at the time of offer at a rate determined by Government Valuation, except for first time registration of land rights on customary land;
- (iv) Regularly review and improve valuation systems to raise tax compliance;
- (v) Adopt appropriate tax and nontax revenue measures to control land value escalation and promote land ownership, equitable land distribution and poverty alleviation.
- (vi) Provide tax relief where landowners are elderly and pensioners and have genuine hardship in paying their taxes.
- (vii) Offer relief from rating on lands actually in agricultural use, while charging tax at standard rate on idle lands.

7.11 Urban Land Development

Zambia is among the most rapidly urbanising countries in Africa. This comes with a number of challenges, rising cost of land, inaccessibility to land, uncontrolled and unguided land use and degradation, illegal conversion of land use, insecure tenure, and land shortages in some places. Urban development is largely haphazard and amidst poverty. The Government will bridge physical and economic development planning to harmonise urban development. In addition:

- (i) Widen the land ownership base through optimal urban land allocation;
- (ii) Develop specific mechanisms for meeting basic needs for land and housing through efficient management mechanisms which could lead to significant increase in the supply of land for urban use;
- (iii) Increase in the availability of serviced land and protecting the interest of urban poor in terms of granting land tenure / property rights;
- (iv) Set up and disseminate urban land market information on the availability of land; areas that are earmarked for future residential development along with supporting uses, spatial variation of land prices by town and city and land is availability for sustainable growth of urban population.
- (v) Opt for informal settlement upgrading to provide land to the poor because it is less expensive to implement and to minimise disruption to the integrity of the community while taking into account investments already made in the settlements.
- (vi) Formalise land ownership in informal housing settlements and

7.12 Housing

In urban areas, land shall be planned to provide for a rational and optimum density pattern. While allotting house-sites/houses in urban areas developed by public or the private sector a percentage of the area shall be allotted to the families belonging to the poor, women, native/local persons and the physically challenged. The Government will endeavour to:

- (i) Empower the poor to enable them to operate in formal markets like other citizens by increasing the choices available on the supply of land and increasing affordability on the demand side.

- (ii) Provide housing services for the poor and other vulnerable persons such as persons with disabilities;
- (iii) Make land accessible and affordable to both rich and poor land developers in order to minimise the cost of housing.
- (iv) Forward planning of land for housing and inform the public of its availability;
- (i) Provide serviced land for housing and development programmes for the vulnerable groups especially the poor and child headed households;
- (ii) Enforce land subdivisions regulations and curb illegal subdivisions while promoting compliance with relevant regulations;
- (iii) Enable the use of the Land Development Fund for neighbourhood renewal, as well as, provision of land services for establishment of modern agriculture, trade and industry places;
- (iv) Ensure establishment of local nature conservation areas, such as for maintenance of appropriate tree and vegetation cover and greenbelt for all settlement areas;
- (v) Prohibit regularisation of new land invaders, intruders and squatters on the same piece of land.

12.13 Agriculture

The Government will make agricultural land a valuable asset through formalisation of ownership. Agricultural land parcels shall cater for livestock production and other agricultural activities. In addition, the Government will provide a mechanism for management and registration of communal pastoral land to manage uses, regulate private enclosures and enable pastureland productivity improvements. To improve the value of agriculture land and support business orientation, the Government will endeavour to:

- (i) Encourage provision of agricultural support infrastructures to all parts of the country;
- (ii) Promote commercialisation of smallholder farmers through provision of secure land rights and protection of common property resources.
- (iii) Provide land for various agricultural uses; aquaculture, crops, livestock and game ranching for all agricultural enterprises;
- (iv) Promote women and youth participation and access to agricultural land;
- (v) Regulate cultivation and vegetation removal on slopes exceeding 15 degrees.

7.14 Natural resources

Land is a key natural resource providing livelihoods and the basis for a variety of industrial uses. Rights to land play a central role in environmental management. In order to enable good land use patterns, the Government will:

- (i) Ensure that land lease conditions include nature conservation measures;
- (ii) Develop a strategy for linking natural resources management and land governance to promote joint management of all natural resources;
- (iii) Create incentives for wise use of wetland areas and inform landowners on the benefits of improved management of renewable natural resources.
- (iv) Disseminate awareness and knowledge of wetland functions and values;

- (v) Make an inventory and encourage economic valuation of wetlands for setting site management priorities and establish actions on a site-specific basis such as legal protection mechanisms and habitat restoration.
- (vi) Consider wetlands as environmental conservation areas and prohibit activities contrary with their ecosystem maintenance and natural productivity;
- (vii) Encourage human activities such as farming, grazing, fishing, timber production and salt winning that help to conserve the ecosystem and natural productivity;
- (viii) All socio-economic activities involving land use will have to conform to prescribed environmental conservation principles and guidelines;

7.15 Mining

Zambia is well endowed with mineral resources and a leading world producer of Cobalt and Copper. In order to control unfettered land acquisition by mining entities in the name of economic growth, foreign income earnings and skilled employment generation through mining development, the Government will improve the stewardship of mining land by modernising the way in which mining entities stake and explore their claims by giving equal protection to the rights of private and customary landholders. The Government will:

- (i) Provide for effective consultation with land rights holders to foster positive community-government-industry relationships;
- (ii) Give due consideration to the community land rights and interests in mining and mineral development by subjecting mining land leases to land use controls;
- (iii) Promote system of resource-benefit sharing in mineral resource extraction on communal land.
- (iv) Provide for land sharing with compensation options as opposed to evictions and resettlements (as the least option) with mining interests.
- (v) Avoid arbitrary displacement of communities. Where displacements are inevitable, adequate resettlement and compensation will be used.

7.16 Infrastructure

Public utilities, transport and communications, energy, water supply, irrigation and sanitation systems, provide important services to households, business and industry. These services require considerable amounts of land and proper planning is required to deliver them in a predictable and proper way. Land uses should therefore be well organised for these services to be available. The Government will:

- (i) Set aside land for delivery of infrastructure projects according to established community sustainability goals;
- (ii) Support utilities to involve communities in the design and planning activities of infrastructure projects;
- (iii) Provide collaborative planning of public utility services to optimise land use.
- (iv) Encourage land adjustment to rationalise the provision of public utilities

7.17 Gender

Practices that assign land rights according to a person's biological sex and physical body persist to this day. Both women and men experience gender-based insecurity of land tenure depending on ethnicity, rural or urban, educational attainment, poverty status and knowledge of the legal system. Government recognises the long run nature of building gender-equitable land rights involving well planned interventions at various levels, and the involvement of different groups of stakeholders, Government, civil society, the private sector and international organizations. The Government shall:

- (i) Ensure equal tenure rights and access to land of women and girls, men and boys independent of their civil and marital status.
- (ii) Ensure equal allocation of available land to women and men in settlement schemes;
- (iii) Provide for equal representation of both women and men in land administration

VIII. Implementation

8.1 The Institutional Framework

Land institutions are all public and civil society organizations contributing to the implementation of the land policy objectives and responsible for managing, conserving, using public goods and services provided by land resources. The main institutional issue is the extent to which the management of land rights is decentralised to local people. Land related educational and training institutions are also part of the institutional framework, so is their levels of enrolment and adequacy of the curricula to the delivery and capacity needs of the land administration and management services of the country.

A well-coordinated and comprehensive institutional and legal framework is an important policy goal for the effective land administration and management. The Government of the Republic of Zambia will support an effective system of land administration and management and establish a well-coordinated and decentralised institutional arrangement for land administration and management through the following actions:

- (i) Undertake a comprehensive process of institutional reform and organisational development, review and streamline the mandates, roles and responsibilities of the various agencies involved in land management at the national and local levels.
- (ii) Devolve to local government agencies and traditional community institutions the authority to administer, plan and control land.
- (iii) Train personnel in all key aspects of land administration such as land survey, valuation and planning.
- (iv) Develop a common understanding of the principles and practice of sustainable land development to ensure full consideration of development and conservation needs.
- (v) Establish a coordination framework to enhance communication and collaboration for all land and natural resources management agencies;

- (vi) Formulate land and development control procedures and ensure that all concerned understand them.
- (vii) Establish and manage a land bank mechanism to support agricultural and industrial development and to secure land resources for public uses.
- (viii) Conduct of a systematic review of the legal status of watershed areas, rivers and other wetland resources and formulate appropriate management instruments.

8.2 Institutional Reform

The Government will collaborate with traditional authorities and other land actors to incorporate all informal and customary land practices, usages and legislations governing land holding, land acquisition, usage and delivery into one land administration and management system. The following principles and directions will guide institutional arrangements:

- (i) The overall responsibility for the implementation and monitoring of land policy and for the coordination of the various inputs in land management and administration shall be with the Ministry responsible for Lands;
- (ii) The implementation of this National Land Policy will incorporate a range of sources and mechanisms, including revenue from land taxes, budget allocations, grants and user fees.
- (iii) The Agricultural Lands Board will be reactivated;
- (iv) The responsibility for the overall coordination of use and management interventions on public lands will be delegated to individual ministries and agencies in specific sectors and for specific purposes on the basis of explicit mandates and legal instruments.
- (v) Creation of National Land Commission, District Land Boards, Customary Land Boards to streamline land service delivery.
- (vi) The management responsibility for public and state properties maybe delegated, for specific purposes to local agencies including Local Government, Traditional Authorities and civil society organisations.
- (vii) Public recognition of the civic authority of Villages in land administration;
- (viii) All delegations of authority to traditional authorities and civil society organisations shall be governed by detailed and specific management agreements covering all relevant aspects (roles and responsibilities, costs and benefits, conditions of access and use, monitoring and evaluation) and be subject to periodic reviews and evaluations under the auspices of the Ministry responsible for Lands. Management agreements shall also follow standard procedures and guidelines that provide clear terms of reference and avoid potential conflicts.
- (ix) The delegated authority to manage public land will in no way include the right of the delegated land management agency to change the uses of the land without statutory authority.
- (x) All agencies with delegated land administration and management authorities will maintain and regularly update audited inventory of public land and properties placed under their jurisdictions.

8.3 The Ministry Responsible for Land Administration

Within the context of the land sector institutional reforms, the Ministry responsible for Land shall undertake to:

- (i) Devolve land administration and management functions to the Land Commission, District Land Boards and Customary Land Committees.
- (ii) Offer policy direction to the National Land Commission; formulate land policies, monitor and coordinate their implementation and mobilise resources and facilitate policy implementation;
- (iii) Facilitate implementation of the land policy reforms;
- (iv) Coordinating the management of the National Spatial Data Infrastructure (NSDI);
- (v) Review organisational frameworks and mandates with a view to outsourcing delivery of surveying, registration, valuation, physical planning and revenue collection;
- (vi) Set service standards, regulate service providers and ensure quality control and capacity building;
- (vii) Monitor and evaluate performance of the land sector institutions in collaboration with civil society, the private sector and other stakeholders; and
- (viii) Harmonise and supervise the regulatory framework for land planners, surveyors, valuers, estate agents and other land related professionals.

8.4 The National Land Commission

The Land Commission shall be the Principal Administrator of land in accordance with the Constitution of the Republic of Zambia.

The Lands Commission shall administer manage and alienate land, on behalf of the President. The functions of the Commission shall be set by Parliament and its composition shall reflect the necessary expertise, equity and accountability values of this policy. The members of the commission shall be appointed by the President responsible for Lands and ratified by Parliament. The functions of the Lands Commission shall, inter alias, include the following:

- (i) Hold the Title and manage all land on behalf of the State and the people of Zambia;
- (ii) Establish and maintain a register of all public, private and customary land rights throughout the Republic of Zambia;
- (iii) Exercise the powers of compulsory acquisition and development control on behalf of the state and the Government;
- (iv) Develop technical capacity of the District Land Board and Customary Land Committee;
- (v) Provide technical services and coordinate the work of the District and Customary Land Committee;
- (vi) Coordinate land related research in partnership with academic and research institutions;
- (vii) Manage the Land Development Fund, mobilise and pool financial resources;

- (viii) Provide Technical Services to the Ministry responsible for lands in the preparation and implementation of the land use and related policies;

8.4 District Land Boards

The mandate of the District Land Boards shall be to promote equitable access to land, conservation of cultural sites and natural resources and protection of minority land rights. The District Land Boards will administer public and private land on behalf of the Lands Commission.

The District Lands Boards shall be agents of the Lands Commission and accountable to the Lands Commission in the performance of their functions. The District Land Boards shall be composed of persons and officers appointed by Lands Commission in consultation with the Local Authorities. The District Land Boards will perform some of the functions of the Lands Commission at the district level. Specifically, they will:

- (i) Hold and allocate land rights to eligible persons in the district in line with Land Use and Development Plan
- (ii) Facilitate the efficient operation of land markets at the district level;
- (iii) Facilitate the registration and transfer of interests in land;
- (iv) Delineate the jurisdictions of the Customary Land Committee in consultation with traditional authorities and communities and supervise their performance;
- (v) Provide Technical Services for the performance of the Customary Lands Committee in accordance with local needs and customs;
- (vi) Carry out any land administration and management functions in the district in accordance with laws of Zambia;
- (vii) Monitor and evaluate land administration and management activities at the district level.
- (viii) Administer the District Land Fund which will be established under this policy

The Lands Commission shall appoint the officers of the DLBs on the basis of established guidelines, standards and appropriate qualifications to deal with all other matters connected with land in the district in accordance with laws made by Parliament. The Local Authority shall vote to resolve on the direction of the district council on the District Land Board.

8.4 Customary Lands Committees

The mandate of the Customary Lands Committees shall be to protect the land rights of citizens in customary areas. The legal registration of customary rights shall not extinguish customary land rights; the functions of the customary Land Committee shall be to:

- (i) Manage customary land in line with this policy and the Land Use and Development Plan;
- (ii) Document all land rights and maintain a customary land register for the specific customary area;
- (iii) Facilitate all transactions relating to customary land to verify claims;
- (iv) Facilitate the recording and issuance of Titles for private, group, public and customary by the Lands Commission.

- (v) Coordinate the establishment of Village Land Committees where this is necessary to facilitate the functioning of the Customary land Committees
- (vi) Adjudicate customary land rights.
- (vii) Maintain a statutory register of fee simple land rights exclusively for native residential and communal uses of natural resources, 99 year leasehold rights for arable land, public land and customary land rights at community level.
- (viii) Administer the Customary Lands Fund which will be established under this policy

8.5 The Traditional Lands Committee

Traditional institutions and leaders, Village headpersons and area Chiefs, derive their authority in land from the people they preside over. Their authority in land matters varies across the different cultures and localities of the country. Even though Chiefs have control over customary land, Government will not endeavour to formulate a policy or approaches of general validity to different cultural setting as each has unique humankind and land relationship.

Government recognises that Chiefs and other traditional leaders perform a number of roles that are tied to land. Chiefs represent cultural values and practices embodying the fertility and spirituality of the land; social and cultural identities of the people; the duty to work for material progress in the community, the maintenance of peace and unity within and between neighbourhood communities. In recognition of these functions, the traditional committees will:

- (i) Allocate land to families for their use and for onward grant to family members in line with Land Use and Development Plan;
- (ii) Superintend the use and allocation of rights to communal land;
- (iii) Assign and resolve overlapping and competing uses and provide social and economic safeguards for community resources;
- (iv) Communicate community interests to Government and other land administration institutions
- (v) Oversee protection and uses of land resources; forests, fisheries, wildlife and other natural resources for the benefit of the people;
- (vi) Negotiate or represent community interests in inter-communal disputes, and
- (vii) Provide a para-legal framework for Village level land dispute mediation.

8.6 Local Authorities

In view of the policy measures to reform the institutional architecture of land administration and management and the need to move to systematic land delivery rather than reactive (sporadic) consent based system, the Government will streamline and simplify the system for allocation of land rights and reduce the number of authorities involved in land alienation to make the system more accessible and affordable to wide range of eligible landholders. The Government shall:

- (i) Review the role of local authorities in land use planning in order to conform to this Land Policy;

- (ii) The functions of local authorities set out in existing legislation on agriculture and land based natural resources shall be harmonized with this Policy.
- (iii) Integrate land use planning and land administration services so that planning and zoning can guide survey and mapping information, allocation, registration and land valuation and revenue collection data services.
- (iv) Provide policy guidance to the District Lands Board on behalf of the Ministry responsible for Lands

8.7 Land Survey

The Government will review the operations of the Surveyor General's office with a view to commercialising some operations, notwithstanding the public need to provide all basic and control services. An automated cadastral survey and land titling system will be developed to support the functioning of the land market and to facilitate the support of institutional financial intermediation.

The following actions will be necessary to implement this policy:

- (i) Decentralise survey and mapping services to districts and customary areas;
- (ii) Provide survey services on cost recovery basis;
- (iii) Up-grade the technical capacity of survey and mapping functions for continuous service delivery improvements.
- (iv) Manage a national Land Data Bank for the Land Management Information System;

8.5.1 Land Mapping

The Government will be responsible for the preparation of basic maps such as topographic maps of scales 1:50,000, 1:100,000 and 1:250,000 and regulate the preparation of School Atlases and tourist maps according to the law and computerise information technology and digitise data. In addition, the Government will:

- (i) Maintain and update periodically all maps in line with World Land Use Survey reflecting housing and buildings, population and census data, administrative boundaries, antiquities that require protection and other information such as topography, soils, geography, vegetation, wildlife, hydrology, transport, water and energy and any other information as and when required.
- (ii) The Surveyor General is responsible for the data it produces and shall have the authority on such data and issuance of copyright rights and ensure its privacy, confidentiality and any other matter incidental to the same.

8.5.2 Cadastral Services

In order to modernise cadastre services, the Government will:

- (i) Establish and maintain a multi-functional and multi-purpose cadastre for land registration, land planning and development across all land tenure classifications.
- (ii) Adopt latest Remote Sensing and Geographical Information Systems (GIS) techniques to support the building of land and property information systems and enable generation of public financial resources through up to date records.

8.5.3 Survey Control Services

The Government will establish and implement the National Spatial Data Infrastructure (NSDI) framework that includes geo-information standards and laws, appropriate technologies and institutional arrangements consistent with regional and international standards and conventions for land administration, land management and sustainable land use in order to acquire current, accurate and reliable land data and information. In this regard, Government will:

- (i) Establish and maintain a unified national geodetic spatial reference frame consistent with the International Terrestrial Reference Frame and Global Navigation Satellite Systems (GNSS) networks;
- (ii) Establish and maintain a mechanism for monitoring and physical definition of international and administrative boundaries;

8.6 Land Information

To improve land information function, the Government will digitise the Land Information Management System and customise a modern reporting system, strengthen land management information and planning and enable public access to reliable spatial information. It will further endeavour to:

- (i) Take advantage of mobile cellular phone technologies for annual ground rent reminders and e-payments;
- (ii) Develop incentives and benefits for all stakeholders to motivate them to participate and get involved in the collection and sharing of relevant information.
- (iii) Build technical and management capacity of local institutions in using land information and provide (technical) support on its development and use.
- (iv) Decentralise the Land Information System to the districts.
- (v) Establish linkages with other government information systems
- (vi) Publicise latest information on operation of land market in terms of prices, supply of serviced land, number of development projects either through print media or website to enable the stakeholders to ascertain the availability of land, extent of resources to be generated and government decisions on the development of a particular area.

8.7 Valuation and Taxation

The Government will strengthen valuation capacity at all levels of land administration and improve valuation systems with a view to improving tax compliance. The Government will consider:

- (i) Employ a progressive property taxation system based on the value of the property on both state and customary land.
- (ii) Land tax/rates??? shall apply on customary land that is being used for commercial purposes
- (iii) Capture land value gains (or so called unearned income) that accrue on account of public investment, infrastructure, and
- (iv) Ensure that tax proceeds assist in infrastructure service delivery, land use planning and control in both town and country
- (v) Strengthen valuation capacities of local authorities to improve revenues.

8.9 Land Registration

An efficient information system on land registration is essential for efficient land management. The Government will modernise land registry offices and unify all land registries, under the central land information and management registry. The Land registry will include the inventory of publicly held land and their land use plans for orderly land allocation. In addition, the Government will:

- (i) Decentralise land registration services and delegate land registries to districts and customary land administration;
- (ii) Employ a system of land registration that avoids duplicate issuance of one parcel and forgery;
- (iii) Provide for registration of properties and issuance of certificates of title for public, private and customary estates and maintain a national lands register;
- (iv) Provide for registration of miscellaneous documents in all land categories.
- (v) Encourage stakeholder involvement in land registration and data exchange using state of art land information tools and technologies to document different land rights and claims at community levels.

8.10 Dispute Management

The systematic formalisation of land rights has the potential to increase the number of land disputes during the adjudication process. The Government will review the system for land dispute mediation to improve access to justice by providing alternative dispute resolution mechanisms at different levels of society, through para-legal mediation at local level and the Judiciary. The land dispute management system will provide fast track mechanisms for speedy resolutions and disposal.

The Government will:

- (i) Establish an ad hoc mechanism for prevention and resolution of conflicts arising from the formalization of customary land rights at Customary Lands Committee level.
- (ii) Review the status and jurisdiction of the Lands Tribunal with a view to its transformation into a Land Court System;
- (iii) Build capacity for paralegal dispute management at local levels to build upon the traditional system of dispute handling as instruments for the application of equity and to complement and support the judicial system.

8.11 Land Development Services

To improve the role and function of the Land Development Fund, the Government will:

- (i) Encourage coordination among the different public land development service providers;
- (ii) Review the status and function of the Land Development Fund
- (iii) Broaden the use and beneficiaries of the Land Development Fund and establish a framework for coordination of all rural development funding schemes.

9.0 Legal Framework

The legal framework refers to the aggregation of laws enacted over time and the common law and customary law that have accumulated through judicial or traditional practice. Legislation provides the legal instruments, which are necessary to put into effect many of the objectives of a policy. Land legislation affects both governmental agencies and the general public. The legislation will stipulate the responsibilities of action and the limits of authority of the governmental agencies.

The legal framework of land administration and management consists various pieces of legislation with direct or indirect implication on the administration of land. This section presents dimensions of this land policy requiring new legislations, repeal of existing laws, amendments of some clauses and review.

9.1 The Constitution of the Republic of Zambia

The Republican Constitution, which is the supreme law of Zambia. It decrees Zambia as a unitary, Republican multi-party state. Some of the important provisions concerning land matters are contained in the sections dealing with fundamental rights and freedoms. The Constitution states that no individual can be compulsorily deprived of any property without adequate compensation, unless under an Act of Parliament or in such cases as where the acquisition is for recovery of tax, the land is abandoned, the land is required for exploiting minerals, or for the implementation of a land policy. Part III, article 17, prohibits the search of property or entry on premises without the owner's consent, unless under terms set by the constitution, such as collection of tax.

The Constitution provides for existence of the customary tenure, but leaves its administration to policy guidance. Part XIII, article 127, allows for continuation of the existence of the institution of Chief in any area of Zambia in accordance with the culture, and traditions of the peoples concerned. In addition, Article 128 of Part XIII allows the institution of Chief to operate as a corporation and to hold assets or properties in trust for itself and the peoples concerned.

- (i) In order to address the crawl back clauses with regard to freedom to own property and right to adequate compensation, the Government will review the Compulsory Acquisition Act to improve protection of landowners from actions by state agents.
- (ii) Whereas the institution of the Chief ostensibly arises from customary traditions, the Constitution creates rights and privileges for Chiefs to hold land in trust for the people in areas where no such custom or tradition exists. The Principal Act will regulate the powers of the Chief in alienation of land to residents of the area alone;
- (iii) The Principal Act will be amended to recognise the legal status of customary landowners.

9.2 The Principle Land Administration Acts

The key Act for the regulation of land administration is the Lands Act CAP 184, supported by the The Survey Act, CAP 188 and the Land and Deeds Registry Act CAP 185.

9.2.1 The Lands Act

The Lands Act CAP 184 provides for the continuation of leaseholds and leasehold tenure; for the continued vesting of land in the President and alienation of land by the President; for the statutory recognition and continuation of customary tenure; and for the conversion of customary tenure into leasehold tenure. It also provides for the establishment of the Lands Tribunal and Lands Development Fund. This Act will be substantially amended to reflect the following position of the policy:

- (i) CAP 184 Section III which provides for vesting and alienation of land in the Head of State will be amended to remove discretionary Presidential powers in land allocation as such a decision cannot be challenged in a court of law;
- (ii) Review and update the Lands Act to reflect the unified land administration
- (iii) Provide leasehold rights to land ownership in customary areas
- (iv) In no way shall the right to hold land in Trust imply executive right to allocate land rights;
- (v) The land alienation procedures will be brought into line with this policy;
- (vi) The number of land tenure categories shall be increased from two to four to improve security of land rights through leasehold tenure, *fee-simple* customary tenure, public land and registered communal (group) land tenure;
- (vii) The Act will stipulate the legislative framework on administration and management of international boundaries;
- (viii) The land rights under the Land (perpetual Succession) chapter 186 will apply to registered customary land rights;
- (ix) Review the stipulations or guidelines on discretion to re-enter properties;
- (x) Provide equal mechanisms for dispute resolution irrespective of tenure;
- (xi) Review the measures restricting or limiting foreign ownership of land;
- (xii) Provide for description of the functions of the Office of the Commissioner of Lands and the Minister responsible for Land;
- (xiii) Provide guidance on procedures for sale of land or conversion of titles from customary Title to leasehold tenure and vice versa.
- (xiv) Provide for a transparent system for change of public land to private tenure;
- (xv) Review the land law to provide a regulatory framework that links surface and use rights to rights to minerals and groundwater resources as well as trees and the space above it.
- (xvi) Review laws on land dispute resolution to establish a land court across the Judiciary and provide for paralegal mechanism for mediation at local level;
- (xvii) Establish a Land Disputes Arbitration and Mediation Panel for speedy adjudication of disputes during the customary land tenure reform phase

9.2.2 The Land Survey Act

The Land Survey Act (CAP 188) provides for the manner in which surveys are carried out and the subsequent method in which diagrams and plans are prepared. The Act provides for the protection of survey beacons and other survey marks. The Act further establishes and empowers the Survey Control Board to register, licence and regulate professional practice. The following legislative measures to implement this policy:

- (i) The Act, which was passed in 1960, is now out of date and not consistent with survey and mapping technologies, methods and professional practices in use and shall be repealed to provide for;
 - a. Certification and regulation of surveyors,
 - b. The development and upholding of technical standards and procedures and
 - c. Maintenance of spatial data infrastructure such as survey and map records and beacons and reference marks.
- (ii) The survey standards and accuracies prescribed in the subsisting Act are too stringent thereby depriving the public and people in rural areas of simpler, quicker and affordable survey services.
- (iii) Provide for privatisation of services and affordable service fees and charges.
- (iv) Provide for self-regulation of professional survey practice and adequate state oversight and sanctions for professional malpractice.
- (v) Make adequate provisions for the regulation of cadastral surveys as well as of mapping and geodetic survey applications.

9.2.3 The Lands and Deeds Registry Act

The Lands and Deeds Registry Act, CAP 185 provides for registration of all land and all incidental matters relating to Title and other miscellaneous deeds. The Act will be amended to:

- (i) Provide for registration of public land, leasehold Titles, *fee simple* customary Title and Group Land Rights for communal land within 30 days of application;
- (ii) Implement the appointment of the District Registrar of Lands and Deeds and provide for land registration at community level;
- (iii) Provide for certification and registration of conveyors and related agents;
- (iv) Provide public access to the land registry
- (v) Integrate land registries.

9.3 Other Legislation

There are other pieces of legislation that affect land administration, but are implemented by other actors. These include statutes that control the environment; registration of water rights, the use of agricultural land and others that in one way or the other affect land rights. Many of these statutes relate to land use and have a bearing on land management. Others legislation, such as the Land (Perpetual Succession) Act, CAP 186, Common Leasehold Schemes Chapter 208 and Lands Acquisition CAP 189 are administered by the Ministry responsible for Lands. The following are the relevant laws.

9.3.1 Agricultural Lands Act Chapter 187:

This Act was enacted for designation of farming blocks or tenant farms for agricultural development. The Ministry of Agriculture plans, while the Commissioner of Lands actually allocates the land. This Act provides for the establishment of the Agricultural Lands Board; to prescribe the composition and membership thereof; its powers and functions; to provide for tenant farming schemes; and to provide for matters incidental to or connected with the foregoing.

Agriculture is a significant use of land and must therefore be carefully planned. The Agricultural Lands Act shall be harmonised with Land Act to provide close liaison between Agriculture and National Land Commission:

- (i) The Agricultural Lands Act shall be amended to regulate agriculture land use under customary tenure;
- (ii) Reactivate the Agriculture Lands Board and provide adequate institutional framework for regulation of agriculture land at Local/Community level;
- (iii) Review the Act to stipulate the responsibilities of the lead agency in administration of Agricultural Lands Board and agricultural tenancy schemes;

9.3.2 Common Leasehold Schemes Chapter 208:

The Common Leasehold Act was enacted to allow for the registration of “horizontal” rights (strata title) for high-rise buildings and semi-detached buildings. The Act thus provides for the division of land and buildings into units with separate titles by means of common leasehold schemes. Upon registration of the scheme, the unit-holders become a corporate body with perpetual succession and a common seal. Incorporation of the scheme members has the same effect as a contract under seal. Amongst other things, the body corporate can make by-laws, enforce by-laws, and control and manage the common property (that which is not part of any one unit).

The Act provides for the division of land and buildings into units with separate titles by means of common leasehold schemes.

- (i) The Act will be amended to streamline procedures for preparation of titles for registration purposes;
- (ii) Amend the Act to assign responsibility for qualification of diagrams for registration purposes in the Lands Surveyor.

9.3.3 Co-operative Societies Chapter 397:

The Act, among others, provides qualifications of Cooperative Societies to own land. The Act specifies that cooperatives become body corporate upon registration. Unlike clubs, charitable organisations and associations, cooperatives require registration and incorporation before qualifying to own land.

- (i) Amend the Lands Act to ensure that persons that do not ordinarily qualify to own land in Zambia do not do so by registering themselves as a cooperative.
- (ii) Specifically introduce clauses in the Land Act to regulate qualifications of cooperative societies with foreign members to hold land in Zambia.

9.3.4 Environmental Protection and Pollution Control Act Chapter 204

This Act is to provide for the protection of the environment and the control of pollution; to establish the Environmental Council and to prescribe the functions and powers of the Council; and to provide for matters connected with or incidental to the foregoing.

- (i) The Act should be amended to provide for explicit land management provisions.
- (ii) Recognise land as a key environmental asset;
- (iii) Provide linkage to administration and management of wetlands areas to land administration

9.3.5 Fencing Act Chapter 190

The purpose of the Act is to regulate the erection and maintenance of dividing fences; and to provide for matters incidental thereto or connected therewith. This is one the unused creative pieces of legislation with respect to boundaries, but is regrettably not used for physical marking of boundaries, protection of landholder interests, control of stock movement, various land use, veterinary and pest controls.

The Government will:

- (i) Revive administrative interest in the enforcement of the fencing Act;
- (ii) Provide for mandatory fencing for public veterinary and stock movement.
- (iii) Review this Act to provide for a suitable lead agency to reactivate its enforcement.

9.3.6 Forests Act Chapter 199

The Forest Act provides for the establishment and management of National Forests and Local Forests; to make provision for the conservation and protection of forests and trees; to provide for the licensing and sale of forest produce; and to provide for matters connected with or incidental to the foregoing.

The control of forests and land itself is not clearly defined because an internationally accepted definition of land includes trees, forests and anything permanently attached to the soil. However, the legal separation of tree tenure from land is a source of conflicts between communities and department of forestry. It is one case of ‘take your trees and leave us our land’ since communities do not have tangible incentives to conserve forests if trees belong to an outside authority. To improve coordination between, the Government will review the legislation in order to:

- (i) Provide for registration of the rights of forest concessionaires as rights holders or land users with usufruct rights similar to registration of water rights;
- (ii) Provide for coordination of lands and forest authorities in administration forest land uses
- (iii) Provide for inventory of forest resources on public lands.

9.3.7 The Urban and Regional Planning Act, 2015

The Urban and Regional Planning Act, 2015 provides for development, planning and administration principles, standards and requirements for urban and regional planning processes and systems; provide for a framework for administering and managing urban and regional planning for the Republic; provide for a planning framework, guidelines, systems and processes for urban and regional planning for the Republic; establish a

democratic, accountable, transparent, participatory and inclusive process for urban and regional planning that allows for involvement of communities, private sector, interest groups and other stakeholders in the planning, implementation and operation of human settlement development; ensure functional efficiency and socio- economic integration by providing for integration of activities, uses and facilities; establish procedures for integrated urban and regional planning in a devolved system of governance so as to ensure multi-sector cooperation, coordination and involvement of different levels of ministries, provincial administration, local authorities, traditional leaders and other stakeholders in urban and regional planning; ensure sustainable urban and rural development by promoting environmental, social and economic sustainability in development initiatives and controls at all levels of urban and regional planning; ensure uniformity of law and policy with respect to urban and regional planning; repeal the Town and Country Planning Act, 1962, and the Housing (Statutory and Improvement Areas) Act, 1975; and provide for matters connected with, or incidental to, the foregoing.

The Act will be reviewed and amended to bring it in line with the provisions of this policy:

- (i) Section 13, declaration of a local planning authority will be amended to include the Chief's area as a local planning authority;
- (ii) Section 25 will be amended to replace the Chief with the Customary Lands Committee;

9.3.8 Investment Act Chapter 385

This is an Act to revise the law relating to Investment in Zambia so as to provide a legal framework for investment in Zambia. The provision of this Act will be harmonised with the lands Act to:

- (i) Avoid the temptation of a parallel land delivery system for needs of registered investors;
- (ii) Simplify land delivery system and make it favourable for Greenfield investors;
- (iii) Improve the availability of suitable land for different land users and investor needs.

9.3.9 Land (Perpetual Succession) Act Chapter 186

This Act provides for perpetual succession to land; and for matters incidental thereto or connected therewith. This Act is administered by the Minister, applicants petition the Minister for incorporation and once incorporated the land is registered. The Act will be amended to:

- (i) Replace the role of Minister with the Commissioner of Lands to improve accountability with respect to *Land (Perpetual Succession) Act*;
- (ii) Use the provisions of the Act for registration of customary land and improve public awareness of the provisions of this Act;

9.3.10 Landlord and Tenant (Business Premises) Act Chapter 193:

This is an Act to provide security of tenure for tenants occupying property for business, professional and certain other purposes; to enable such tenants to obtain new tenancies in certain cases; and to provide for matters connected therewith and incidental thereto. The provisions of this Act are not fully implemented due to changed social and economic circumstances. The Act shall be reviewed to:

- (i) Bring it in line with liberalised economic environment;
- (ii) Extend the provisions of the Act by reviewing the definition of business premises in line with changes in communication technology.

9.3.11 Lands Acquisition Act Chapter 189:

Chapter 189 of the Laws of Zambia provides for the compulsory acquisition of land and other property and for matters incidental to or connected with the foregoing. This Act gives the President power to compulsorily acquire land whenever he deems it fit to do so in public interest. The Act provides for compensation where such land is acquired. Both parties may use market values to determine compensation. The Act shall be amended to provide for:

- (i) Compensation rules to include the market value for bare land;
- (ii) Stringent safeguards for protection of the right to property in the application of the law;

9.3.12 Local Government Act Chapter 281

An Act to provide for an integrated three tier local administration system; to define the functions of local authorities; to repeal the Local Administration Act and certain related laws; and to provide for matters connected with or incidental to the foregoing. This Act does not conform to some aspects of the Lands Act and there is need for their harmonisation.

Property tax is the principal tax related to land and buildings. It is collected by Municipal Authorities on the basis of annual rateable value and corresponds to annual rent at which the land or building might reasonably be expected to be let from year to year. However, this principle maybe distorted in view of the provisions of rent control legislation. The Provisions of the rent control Act and the property tax will be aligned.

9.3.13 Mines and Minerals Act Chapter 213:

The Act makes provision with respect to prospecting for and mining minerals. The legal definition of land in Zambia excludes minerals or mineral rights. This needs correction to recognise mining rights alongside other public land uses, without exception. Thus, the legal framework for registration of surface mineral rights should be regulated by land registration Act.

- (i) The law will be amended to link surface mineral rights to the administration of public land;
- (ii) Provide for integration of mineral rights registry to the lands registry;

9.3.14 Zambia Wildlife Authority Act Chapter 201:

The Act provides for the establishment, control and management of National Parks and for the conservation and protection of wildlife and objects of aesthetic, prehistoric, historical and scientific interest in National Parks; to provide for the establishment of game management areas; to provide for the licensing of hunting and the control of the possession, transfer, sale, import and export of wild animals and trophies. The Act should be reviewed to provide:

- (i) Coordination between Commissioner of Lands, Chiefs and Zambia Wildlife Authority regarding land under GMA;
- (ii) Harmonise the registration of wildlife concessions with the Lands Act;
- (iii) How to provide for conflict resolutions regarding land under wildlife management.

9.3.15 Property Transfer Tax Act Chapter 340:

The Act provides for the charging and collection of a tax based on the value realised from the transfer of certain property. The law with respect to property transfers will be reviewed to determine:

- (i) Tax relief on transfer of land to the first time landowner;
- (ii) Tax measures on transfer of bare land;

9.3.16 Water Act Chapter 198:

This is an Act to consolidate and amend the law in respect of the ownership, control and use of water. The Act will be reviewed to align it to:

- (i) The Lands and Deeds Registry Act since water rights are parcel based.
- (ii) Coordination between various land uses and water conservation needs;
- (iii) Integrate water resources conservation in administration of land
- (iv) The treatment of groundwater as private resources vis-à-vis the public regulatory needs.

9.4 The National Land Commission.

The National Land Commission shall be independent, autonomous and accountable to the people of Zambia. The Government will pass a law to grant operational autonomy to the National Land Commission. The Act will make the National Land Commission accountable to the people of Zambia and to ensure political independence, ministerial direction to the Commission will be placed before Parliament.

The commission shall consist of a chairperson and not less than four other members nominated by the President and with the approval of Parliament. A person holding office as a Member of Parliament or a member of a local government council shall not be eligible for appointment as a member of the commission. The members of the commission shall hold office for a period of six years and shall be eligible for reappointment.

A member of the commission may be removed from office by the President if such a member is unable to perform the functions on the grounds of infirmity of body or mind; misbehaviour or misconduct or incompetence.

In accordance with the Constitution of the Republic of Zambia, the Commissioner of Lands shall be the Principal Administrator of land in Zambia.

The salaries and allowances of the members of the commission shall be charged on the Land Development Fund.

9.5 District Lands Board

The District Land Board may delegate the functions of the customary lands committee to an established Village Land Committee or a Community Natural Resource Management Board, created by another Act of Parliament for the purpose of joint management of land and other natural resources. The Lands Act will provide for establishment of the district lands board. The Board will have the power to:

- (i) Exercise control over land allocation in customary and *fee simple* land rights and extinguish customary land rights granted by Chiefs or Traditional Authorities.
- (ii) Consider and decide on applications for a right of land ownership;
- (iii) Establish and maintain a register and a system of registration for recording the allocation, transfer and cancellation of customary and *fee simple* and leasehold rights;
- (iv) Advise the Commissioner of Lands, either of its own motion or at the request of the Commissioner of Lands in connection with the making of regulations or any other matter pertaining to the objectives of this policy; and
- (v) Perform such other functions as are assigned to a board by the Commissioner of Lands.

The members of the District Lands Board will be appointed by the Commissioner of Lands and will include the following, Lands (3), Forestry (2), Agriculture (2), Wildlife (2) – 4 members from public (Chiefs and civil society etc.)

9.6 The Customary Lands Committee

The Customary Lands Committee shall carry out the functions of the District land Board at the Village level. In order to regularise the appointment of the Customary Lands Committee, all of the Chief area will be granted municipal (Civic) status.

The Composition of the customary lands committee shall consist of one representative from each of the Traditional Authorities within the committee's area, nominated by each such Authority; one person to represent the organised farming community within the board's area; 4 women, of whom - two shall be engaged in farming operations in the committee's area; and two shall have expertise relevant to the functions of a board; four staff members in the Public Service, of whom one will be a Local Government Officer, a District Land Officer and one for environmental forestry/water matters; and one for agriculture. If any Community Based Natural Resource Board/Committee exists as under

wildlife or forestry Act one person nominated by the CBNRM board or Joint Forest Management concerned or, if more exist, by the CBNRM boards concerned jointly.

The customary lands Committee will be independent of the District Lands Board or any other institution or authority.

9.7 Public Land

The Minister responsible for Lands may by statutory instrument, or upon the recommendation of a public Agency and relevant appropriate authority and in consultation with the local community and relevant and appropriate authorities, declare any land to be a public land and may impose limitations on development in or around the area

The following areas shall be public land area for the purposes of the Lands Act, National Parks, Forest reserves, any area reserved for public education, health and vocational training or any area set aside for environmental protection, such as wetlands of international significance, lakes and rivers or that have been closed by the Minister to livestock keeping, occupation, cultivation and other specified activities as stipulated by the Environmental Management Act, 2011. Private use of public land without statutory authority shall be prohibited.

9.8 Resource Mobilisation and Financing

The implementation of the National Land Policy will require both the local and external resource mobilisation. This will be done through collaboration with local communities, cooperating partners and donors including the international and local NGOs and the private sector at international, regional and sub-regional levels. In both the financial and human resource terms, the mobilisation and allocation of resources will be based on the principles of efficiency, cost effectiveness, accountability and transparency. Based on these principles, financial resources will be mobilised through national budgetary provisions, bilateral and multilateral cooperation and other arrangements, such as tax revenues and user fees derived from delivery of land administration and management services.

The Lands Commission will establish adequate capacity for financial resource mobilisation and management systems appropriate to district and community land administration, individually and as a whole. Each tier of land administration shall prepare policies, operational strategies, programmes and annual plans for funding. The operational strategies and plans will be reviewed periodically and updated.

The Lands Commission will rationalise the costs of billing and collection, increase the number of Titled properties and the utilisation of land resources in general and periodically review the user fees and adjust for inflation and changes in costs.

Improving the user fee collections will have the potential to improve cost recovery and reduce the burden of land administration on public expenditure budget. The Government therefore will maintain a retention policy for user fees collected by the District Lands

Boards and Customary Lands Committees as an incentive for participation in the decentralised land administration framework. A considerable share of revenues will replenish the Lands Development Fund, a share for general administration and the treasury.

All accounts will be audited annually and financial reports prepared in line with Government financial regulations. These will be availed to the members and the general public through publication. Through this approach the Lands Commission will aim at achieving long run full cost recovery of land administration services.

Sustainability priority will go to building capacity in the devolved administrative framework to ensure effective delivery of services through coordinated planning of activities, resource mobilisation, implementation, monitoring and evaluation.

Training and capacity building needs assessment will be periodically carried out to determine the type and scope of training and capacity building interventions required by various categories of staff.

9.10 Monitoring and Evaluation

The implementation of this National Land Policy will be coordinated and monitored by the Ministry of Lands in collaboration with all relevant agencies.

Specific areas to be monitored will include:

- (i) Land prices and land transactions
- (ii) Planning applications and permissions
- (iii) Land disputes and legal settlements
- (iv) Land use and vegetation cover
- (v) Taxation rates and revenue

In support of the implementation of this Policy, a research programme will be undertaken. It will focus *inter alia* on:

- (i) Options for the management of family lands
- (ii) Market-based instruments of land management
- (iii) Land capability mapping

Following the adoption of the National Land Policy, priority will be given to the following:

- (i) Information dissemination and creation of public awareness of the policy and its provisions.
- (ii) Institutional and legal reform processes.
- (iii) Design of a national programme aimed at the formulation of national and local physical development and zoning plans.
- (iv) Development of a project aimed specifically at settling remaining land disputes whenever feasible.
- (v) Integration of land management considerations into the review of taxation systems and procedures and the design of new institutional arrangements for revenue collection.
- (vi) Establishment of a national system for spatial data management.

- (vii) Formulation of work plans by agencies concerned with the implementation of this Land
- (viii) Policy, and integration of these work plans into corporate plans and budgets.

Implementation of the National Land Policy, with respect to institutional responsibilities and the legal framework will primarily lie with the Ministry responsible for Lands, as the principal custodian of the policy on behalf of the Government. The implementation will be undertaken in liaison with other public sector institutions, statutory bodies and agencies and all relevant stakeholders. The responsible agency will ensure that the policy is implemented in a coordinated way and that periodic reviews are made to assess progress on the performance of policy based on the set targets.

A monitoring and evaluation framework for policy implementation will be developed, outlining information or data collection, requirements, analysis, benchmarks and verifiable indicators of performance. The monitoring and evaluation system will track outcomes from the policy implementation and detect slippages for corrective measures where necessary.

To track down performance at specified intervals, selected indicators to monitor the policy performance will be developed. Quarterly policy performance appraisals complimented by annual reporting mechanisms based on five –year strategic planning and review studies will form the basis upon which policy performance will be monitored.

After 7 years of implementation, a mid-term policy review will be carried out as part of the monitoring and evaluation process to determine progress achieved and to keep abreast with emerging trends in the sector.