

SMART SURVEYORS FOR LAND AND WATER MANAGEMENT CHALLENGES IN A NEW REALITY

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The case for Private Conveyancing: Innovative Approaches for Land Tenure
Documentation — Lessons from Zambia

21 June, 19.30-21.00

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STUDY BACKGROUND

- The aim of the study was to understand the application of innovative data collection methods for tenure documentation
- Workshop with 27 Participants from local, National and NGOs within the Zambian land sector
- Case Studies presented by stakeholders at Workshop
- Visiting 2 Project sites –Chief Chamuka Chiefdom and Kanyama
- Study funded under the Network of Excellence on Land Governance Africa (NELGA)
- Coordinated by NUST and Habitat for Humanity Zambia



SYSTEMATIC LAND TITLING PROCESS

National Land Titling Project

- Title 5 mill. plots from 2017-2021
- Manual developed for upscaling
- 2 pilot projects to test the manual
- Slow progress





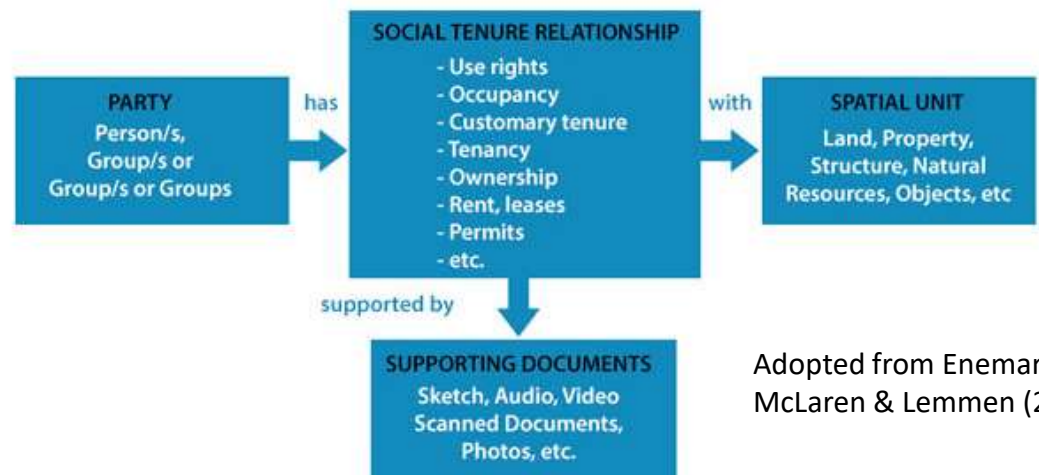
SYSTEMATIC LAND TITLING PROCESS

- High standards
 - Boundaries surveyed by licensed surveyor
 - Layout plans and survey diagrams
 - Cadastral standard applied
 - Complex regulatory framework
- Systematic registration is complicated by
 - Secretary-General, Commissioner of Lands and Chief Registrar must approve data
 - Min. 20% payment upfront
 - Reluctant residents
- Ambitious goals
 - Fails to achieve the set goals
 - Too high standards
 - High cost
 - Reconsider standards
 - Make registration mandatory

OCCUPANCY LICENSES IN KANYAMA WARD 10

Largely sited on state land with leasehold tenure

- Encroachment by informal settlers
- STDM used to record rights
- Systematic data collection
- Enumeration and mapping by community members
- Occupancy licenses issued by local authority



Adopted from Enemark, McLaren & Lemmen (2016)



OCCUPANCY LICENSES IN KANYAMA WARD 10

- All departments at local authority can access the data
- Data integrated into deeds registry
- Used for collection of ground rates
- Approach is enshrined in legal framework
- Rights are recognised at national and regional level
- Challenges to obtain financing for upscaling



CUSTOMARY LAND TENURE CERTIFICATION IN SANDWE CHIEFDOM

USAID Project

- Five chiefdoms
- Existing imagery used for data acquisition
- No physical markers collected
- Initial registration can take place without identification documents



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CUSTOMARY LAND TENURE CERTIFICATION IN SANDWE CHIEFDOM

- Chief and village head person is the authority for land administration
 - Need for training of community members to maintain data
 - Recordation incomplete
 - Willingness by financial institutions to give loans based upon the rights



PARCEL CERTIFICATION AS A MEANS FOR LAND RECORDATION

- By private organisation- Medeem
 - Operating in rural and urban areas
 - Identification of parcels
 - Socio-economic data collected
 - Testimony on how land was acquired
 - Sporadic and systematic registration
 - Transfers/sub-divisions updated



PARCEL CERTIFICATION AS A MEANS FOR LAND RECORDATION

- Medem keep data for chiefdoms until they are ready to manage it themselves
 - Data management set up for the Chiefdom's needs
- Councils keep and manage data for urban areas
 - Council digitises spatial data
 - Council issues occupancy licenses
- Resistance from community members and headpersons
- Political interference and lack of commitment by local authorities



LAND RECORDATION AND CERTIFICATION OF CUSTOMARY LAND IN CHAMUKA CHIEFDOM

- Medeem project in 2017 to formalise land rights:
 - Certificates are recognised by the Ministry of Lands and Natural Resources and financial institutions
- STDM project with UN-Habitat/GLTN
- Informal land registration
 - Community participation
 - Boundaries surveyed and adjudicated
 - Map is kept by headmen and in Chiefs' palace to ease management
 - Certificate of customary land occupancy





LAND RECORDATION AND CERTIFICATION OF CUSTOMARY LAND IN CHAMUKA CHIEFDOM

- Banks require title deed to give loans
- Paradigm change
 - Empowerment of women
 - Women are allocated land rights in their own name
 - Communities see value in their land
- There is a concern that land could be used as collateral and eventually be lost

Conversion of customary land to leasehold is encouraged to empower locals because foreigners do the same

- Need to standardise recordation system



NON-SPATIAL LAND RECORDATION AND CERTIFICATION OF CUSTOMARY TENURE RIGHTS

- Chiefs issued letters or land rights to community
 - Absence of state system caused boundary conflicts and replacements
- Petauke District Land Alliance project (2016-2018) to improve that system

NON-SPATIAL LAND RECORDATION AND CERTIFICATION OF CUSTOMARY TENURE RIGHTS

- Project did not issue land certificates but offers secretarial support
- Support traditional authorities to systematically document village boundaries and support comprehensive yet simple system for long-term spatial data management
 - Community involvement
 - Identify boundaries of chiefdom
 - Identify villages and land under leasehold title
 - Mapping of communal resources
 - 8,600+ certificates issued
 - 18,000 parcels demarcated



RECOMMENDATIONS

- **Integration of digital technologies in the legal system** – currently, the laws prohibit the use of electronic signatures on titles
- **Decentralisation of the lands registry** – the system currently is not fully devolved, the signing off on titles ends up in one way or another at the headquarters with the Commissioner of Lands
- **Standardisation** -There are currently 5 institutions advancing fit for purpose approaches. However, each institution has its own product, i.e. certificate of land occupancy. So the issue at hand is to have a standard format for the certificates
- **Para surveyors** – the laws currently only accommodate registered surveyors to undertake cadastral surveys, but there are only 46 of them, in a country that is close to 765,000 km²



RECOMMENDATIONS

- Set achievable requirements to accelerate provision of tenure security
- Set flexible and relaxed standards for data
- Involve community members in data collection
- Ensure compatibility of data from various projects
- Register all types of rights in one registry
- Include Digital signatures in land certification process
- Challenge with maintenance of data and registry – calls for capacity building
- Need for evaluation of the various projects and agree on common minimum standards to ensure the best use of data
- Coordinating role by Ministry of Lands and Natural Resources



Thank you for your attention!



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