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Zambia: Private sector investment in security of land tenure

From piloting using technology to National rollout

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ABSTRACT

Context and background

Zambia has grappled with implementing the land titling from 2017 when it started the piloting of the National Land Titling Programme through the seventh National Development Plan (2017-2021). The implementation started in 2017 with a small pilot project conducted in Lusaka City in areas called Madido and Kamwala. In 2018, the Ministry of Lands and Natural Resources (MLNR) signed an MoU with Medici Land Governance (MLG) to conduct another larger pilot to collect landownership information for 50,000 land parcels in Lusaka City using modern technology, such as use of drone imagery and artificial intelligence for identification of property boundaries, use of tablets and apps to collect ownership information from landowner, automation of production of survey diagrams and general plans of areas.

Goal and Objectives:

The objective of this paper is to address the issues around the use of private financing to secure tenure rights in urban areas and the issues around cultural beliefs among some communities in Lusaka, and the problems around customary land boundaries and expansions of towns affecting the cultural settings in the fringes of urban areas.

Methodology:

The MLNR, in partnership Medici Land Governance is working towards enabling the systematic titling of former farms or converted/replanned areas in order to update the existing cadastre and land information system. These are large farms in urban areas that have been replanned and even developed but landowners were still waiting for titles or former government or parastatal land that were sold.

This paper reports on the progress made thus far, the challenges and opportunities to carry out a successful systematic land titling programme. The paper also tackles issues around challenges with traditional land boundaries versus state land. The paper recommends the need to carry out comprehensive reforms around the whole land administration system. This includes developing a unified land registry with devolved authority to local authorities, improving the land administration system with linked and integrated key registers such as the National Registration Information System being developed, the Registration of Companies and Societies, and linking to more electronic payment platforms. The paper concludes that private sector participation in the land sector needs support using results-based approaches of financing by multilateral partners as envisaged in the Global Partnership for Results-Based Approaches.

Keywords

Private Sector participation, systematic land titling, Cultural norms, Zambia.

1. INTRODUCTION

1.1 Background

Zambia has a dual tenure system comprising the statutory and customary tenure. At Independence in 1964 customary land was estimated at 94% while state land was at 6%. Since then, due to conversions of customary land to state land the percentage of customary land is now estimated at 80%. While the administration of statutory tenure system is governed by Lands Act, there are multilayers of land documentation arising out of other legislations in Zambia i.e., the Housing (Statutory and Improvement Areas) Act of 1974 which was repealed in 2015 and replaced by the Urban and Regional Planning Act of 2015. The multiplicity of land rights documentation within one category of tenure i.e. the statutory tenure creates challenges in the land administration chain as the same land is administered using different laws with no synergistic benefit. The new National Lands Policy passed in May 2021 seeks to allow for the continuation of customary tenure through the enhancement of the land allocation system in customary lands.

In 2015, recognizing the challenges of titling the government developed the National Land Titling Programme document with the objective to title all state land. Some of the challenges noted included the fact that the sporadic issuing of Title Deeds consisted of too many processes which cause delays in the issuance of titles and that data collection was slow and paper based which led to poor data maintenance. It was also noted that lease preparation was still done using manual typewriters and was not automated despite having an information system that could automate the production of titles. At the start of the 7th National Development Plan in 2017, the government started implementing the National Land Titling with the goal of titling 5 million properties in 5 years. To achieve this goal, it was estimated that the government would require an estimated US\$250 million. This presented a financial challenge to government to raise the amounts on its own. On the revenue collection side, it was observed that all payments were centralized at the national headquarters or regional offices of the MLNR. This means that a client had to make an effort to travel long distances and come to queue, ask for their bill and pay the amounts due. The MLNR had not leveraged mobile money and other new technologies to collect revenue and distribute bills to the clients.

All these challenges would have to be addressed in carrying out a National Land Titling Programme. The pilots sought to test a systematic land titling process and determine costs of such an undertaking.

1.2 Historical context of land administration

Before the advent of colonial power, land holding was governed by custom. In 1911, The British South Africa (BSA) Company which was exploring for minerals was given powers by the King of England to administer the country. Mvunga (1980) states that the BSA was empowered to apportion land to natives for their occupation while the settlers were given land on freehold or leasehold. This was under the belief that under African traditions individuals did not own land. In 1924, the British colonial master formally took over the administration of the country. Between 1928 and 1964, special areas called native

reserves and trust land were designed for the exclusive use of Africans. The reminder of the country was called Crown land for the occupation of white settlers only. This was vested in and administered by the Governor using English law. After Independence in 1964, the land categories remained but Crown land became known as state land, and all land was vested in the President of Zambia. The rest of the country was categorized as customary land as shown in Figure 1.

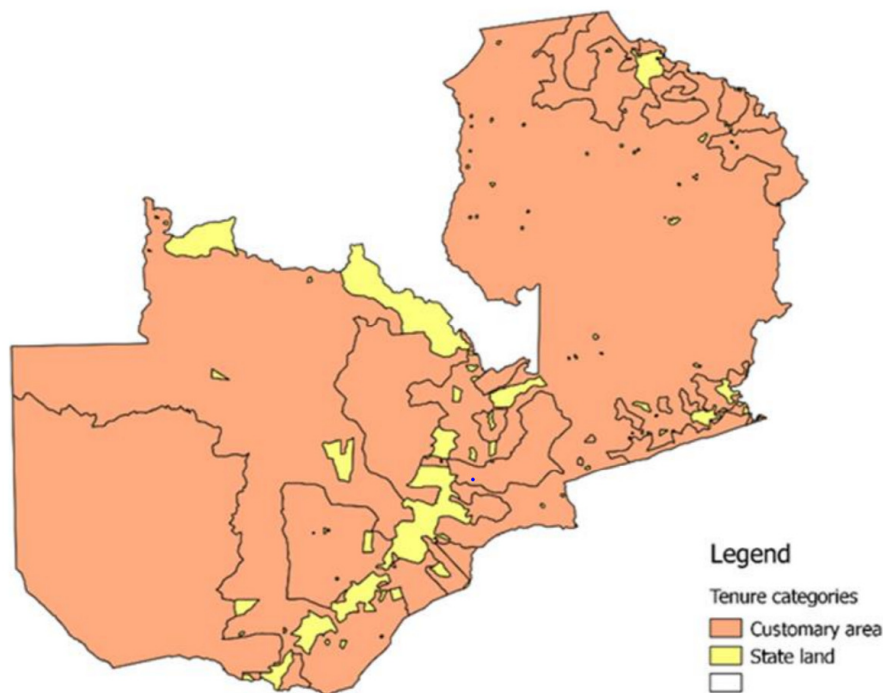


Figure 1: Tenure categories at Independence of Zambia

A major land reform was undertaken through the Lands (Conversion of Titles) Act of 1975 which converted all free-hold land into leasehold for a period of 99 years and banned the sale of bare land except for the un-exhausted improvements on the land. The Act was prompted by the exorbitant prices of sales of vacant state land (Mvunga, 1980). After the coming to power of a pro-capitalist government in 1991 and due to discontent over issues of land being without value, the MMD government made changes to the land laws and enacted the Lands Act (1995), and the common leasehold Act (1994). The laws allowed for the introduction of the market economy and recognized that land had value and could be sold. The tenure system that continues to subsist up to date are shown in Table 1 below:

Table 1: State-land tenure sub-categories legal recognition

Tenure-Subcategory	Legal recognition	Registered
99 year lease from the State	Lands & Deeds Registry Act, Common Leasehold Act	Surveyed and registered, includes land held under common leasehold and converted customary land
99 years from the Council	Housing (Statutory & Improvement Areas) Act	Registered at the local authority
30 year Occupancy license	Urban and Regional Planning Act	Registered at the Local authority

1.3 Squatting in Zambia and the informal settlement

Government recognized the problem of squatting and self-help housing and promulgated the Housing (Statutory and Improvement) Areas in 1974. Rakodi (1986) describes the two types of settlement as being “early self-help housing” and “unauthorised housing”. The former emerged on land allocated specifically to low-income self-help housing on the outskirts of the main urban settlements in the post 1948 period when the African Housing Ordinance designed to stabilise the African urban population was passed. These were provided for in the 1948 Ordinance which allowed for self-help African housing on the outskirts of the main urban centres. After 1972, the government realised that demolishing of squatter compounds was not a solution and thus provided for squatter upgrading and with the support of the World Bank set up a number of site and service schemes in Lusaka, Ndola and Kitwe. The squatter areas are the major targets for the titling programme.

2. THE NATIONAL LAND TITLING PROGRAMME

2.1 The Private Partnership with Medici Land Governance

In 2017, the National Land Titling Programme started with 2 pilots in Kamwala South and Madido. The MLNR surveyed 1,519 properties and records were verified for Madido in Chongwe district and approximately 1,793 for Kamwala South in Lusaka district. Subsequent issuance of Titles was sporadic in these areas as payments for titles was slow. Property owners were required to pay the full amount of K4,500 consideration fees. Less than 500 paid the full amount as of December 2018.

In July 2018, a National Land Titling Centre was opened at the Showground in Lusaka and in the same month, the Ministry of Lands and Natural Resources signed an MoU with Medici Land Governance for a pilot to collect landownership information for 50,000 parcels under the National Land titling Programme. The pilot recorded/enumerated around 60,000 properties in Lusaka by December 2018. Government of the Republic of Zambia through the pilots recognized that there was a financing gap in the land titling sector and approached multilateral partners as well as the private sector to bridge this gap. In August 2020, the MLNR and Medici Land Governance (MLG) signed a contract which would allow MLG to bankroll the systematic land titling process from data collection to the issuance of title which should lead to the creation of 4,000,000 titles. The unique model of private financing requires Medici Land Governance to make an upfront investment to collect and process data. The type of contract signed

is fee-based contract where Medici Land Governance is paid when a certificate of land title has been issued into the hands of landowner(s). The Certificate of title will only be issued after a minimum payment is made by the land-owner. This demonstrates the commitment of Medici Land Governance, as public benefit company, in investing in security of tenure for landowners and partnering with Government to achieve development goals.

Since the launch of the project in October 2020, the implementation is ongoing in Lusaka Province with Lusaka City, Kafue District, Chilanga District and Luangwa District. At the beginning of August 2021, the project is moving into the Copperbelt Province starting with the City of Kitwe and Ndola. As of end of September 2021, the project captured more than 217km² of drone images; that is almost half the size of City of Lusaka. Parcel boundaries of 144,000 Parcels have been digitised. Medici Land Governance is currently testing the use of Artificial intelligence in detecting boundaries automatically. Of the digitised parcels, 100,500 parcels have been enumerated with complete information on ownership and 46,000 offer letters have been issued to landowners to enable them to make minimum payment for titling fee. So far around 11,000 Certificates of Titles have been issued.

Summary of Key Results, MNLR	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Total
Imagery acquired in km ²	-	79	-	-	30.2	25.8	18.0	-	-	-	64	-	217
Parcels digitised	3,129	17,478	34,606	5,143	4,144	27,739	-	13,151	12,535	2,152	12,859	11,209	144,145
Enumeration complete	1,309	4,095	4,093	8,457	7,953	9,241	13,155	9,881	11,438	12,648	3,166	15,155	100,591
Verification complete	-	-	768	2,616	3,207	4,098	5,234	10,630	1,212	10,874	1,019	17,914	57,572
Offer letters issued	-	3,467	8,621	312	187	181	182	3,829	3,493	8,814	9,624	7,538	46,248
Parcels paid	567	543	1,647	1,197	604	694	642	969	1,933	2,157	3,033	2,864	16,850
Titles issued	297	408	172	522	1,075	762	751	638	845	1,279	1,685	2,482	10,916

Table 2: Extract of September 2021 Progress report

The areas covered in the titling programme are essentially informal areas where people have lived for a long time. Since there is no prescription law in Zambia a squatter can only get secure tenure if there is a regulation process undertaken by the planning authority. These areas are depicted in the figure below:

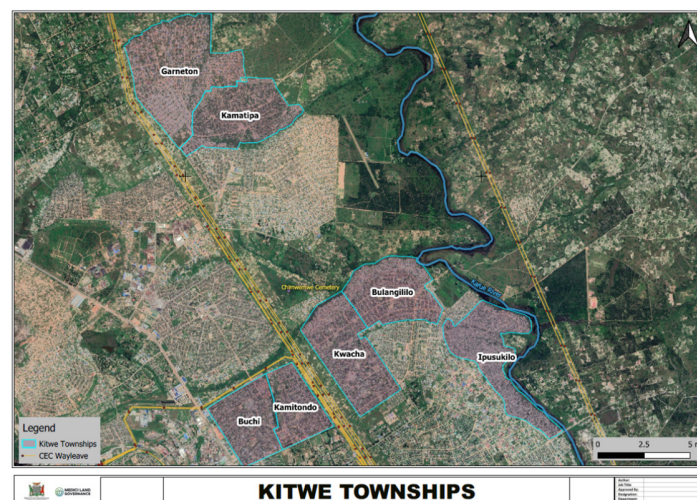


Figure 2: Demarcation areas in Kitwe City

2.2 Process of the systematic land titling programme

The process of Systematic Land Titling follows the principles described in the Fit for Purpose Land Administration guidelines (S. Enemark et al, 2014) that were developed by the World Bank and the International Federation of Surveyors (FIG). In line with the Fit-For-Purpose land administration and in keeping with the Land Survey Act, the process must ensure that land to be titled is mapped using orthorectified imagery captured using drones or aircrafts. The figure on next page illustrates the process of the Systematic Land Titling in Zambia.



Figure 3: Systematic Land Titling process in Zambia as carried out by Medici Land Governance

2.2.1 Acquisition of aerial imagery, parcel digitization and physical planning

Medici Land Governance uses drones to take high resolution aerial imagery (10cm) of demarcation areas. It is from those images that parcel boundaries are digitized by a team of GIS technician using Q-GIS. Ministry of Lands assist to obtain existing spatial data of the demarcation area such as road data, electricity, water and sewerage data, protected areas, existing cadastral data. These data are used to carry out simplified local area planning following guidelines that were developed during the pilot project in collaboration with Lusaka City Council and the Ministry of Local Government which oversee physical planning. It is important that every parcel in demarcation area has access to road and buffer zone, including wayleave, are kept during the physical planning.



Figure 4: An example of digitized parcels prior to data collection (enumeration).

2.2.2 Sensitisation and data collection

The MLNR of Lands and Medici Land Governance developed a communication strategy that guide how different stakeholders are approached and sensitized about the project. During the sensitization periods, teams are sent into demarcation areas to go door to door to explain to landowners the process of SLT and prepare them to be ready for data collection. Local and community leaders including church (religious leaders) are met with to understand issues and cultural norms that exist within a given demarcation area.

SYSTEMATIC LAND TITLING
YOUR LAND, YOUR FUTURE

OUR PROJECT
The Ministry of Lands and Natural Resources, in collaboration with Medici Land Governance, is implementing the National Land Titrating Program under the 7th National Development Plan. The exercise starts with the collection of ownership information and boundary confirmation, culminating in the issuance of Certificates of Title to all landowners.

SENSITIZATION
Flyers and posters with information about the titling process will be distributed in each community. There will also be Radio and Television shows explaining the process.

ENUMERATION
Medici Land Governance enumerators go door-to-door to collect landowners' personal information. The enumerators will have valid Identity Cards and official introductory letters issued by the Ministry of Lands and Natural Resources.
The landowner will be required to show the property boundaries to the enumerator by walking around the property.

All landowners must ensure they are physically available at their properties with their NRC and any of the following documents as proof of ownership:

Invitation to Treat	Offer Letter
Land Record Card	Occupancy License
Utility Bill (Electricity or Water)	Council Rate Bill
Letter of Sale	Deed of Gift

For properties in which the landowner is deceased, the beneficiaries must appoint an administrator to manage the deceased's estate.
Foreigners with NRC's who own properties are required to present a Resident's Permit.
Non-Governmental/Non-Profit Organisations such as Churches, NGOs, Trusts and Associations are required to present a Certificate of Incorporation under the Land (Perpetual Succession) Act Cap 186 issued by the Ministry of Lands.

0975111113 0770709414 | www.mlnr.gov.zm www.mlgzambia.com | Systematic Land Titrating

Businesses and Companies are required to provide their Certificate of Incorporation issued by PACRA.
If you are a tenant, please notify your landlord about the land titling program or give the contact details of the landowner to the enumerator. Landowners are required to be physically present at the property at the time of data collection.
Take note that no amount of money will be collected by enumerators or anyone else during the period of data collection.

ADJUDICATION AND VERIFICATION
Once information has been collected and processed the landowner will receive an SMS requesting them to come to a designated center to verify that the information collected is correct. At this stage corrections can be made.
If there is a dispute about the land, an adjudicator will be on hand to try and resolve it. If they are unable to resolve the issue, the matter can be taken to court.
Those who missed out on the collection of data can also provide their details at this stage.

ISSUANCE OF CERTIFICATE OF TITLE
After the information collected has been verified, the landowner will receive an SMS with details of the time and location where they can pick up their Letter of Offer.
To obtain a Certificate of Title the landowner will be required to pay the fees listed below at a designated bank or by mobile money.

Land Classification	Minimum Fee Due	Remaining Due over 3 Years	Total Due
Low-Cost Residential Area	1,000	2,122	3,122
Medium-Cost Residential Area	1,308	2,192	3,500
High-Cost Residential Area	1,385	2,815	4,200
Commercial Area	1,462	2,738	4,200

The landowner will receive an SMS when the lease is ready to be signed with details of the dates and location. After the lease is signed the landowner will receive an SMS with details of where they can collect their Certificate of Title.

BENEFITS OF A CERTIFICATE OF TITLE

- It can protect you from eviction, as the land is legally yours
- It can serve as collateral which will enable you to get a loan
- You can pass it on to your children
- The resale value of your property could significantly increase
- This simple and cost-effective program is estimated to take about 90 days

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Figure 5: Leaflet given to landowners during sensitisation

Data collection is done by team of trained enumerators using tablets to collect land ownership information in the Enum Application. Enum is an application developed by Medici Land Governance that collect information including names, National Registration card number, date of birth, gender, names of co-owners, supporting document for land ownership, disputes and also check of digitized boundaries.

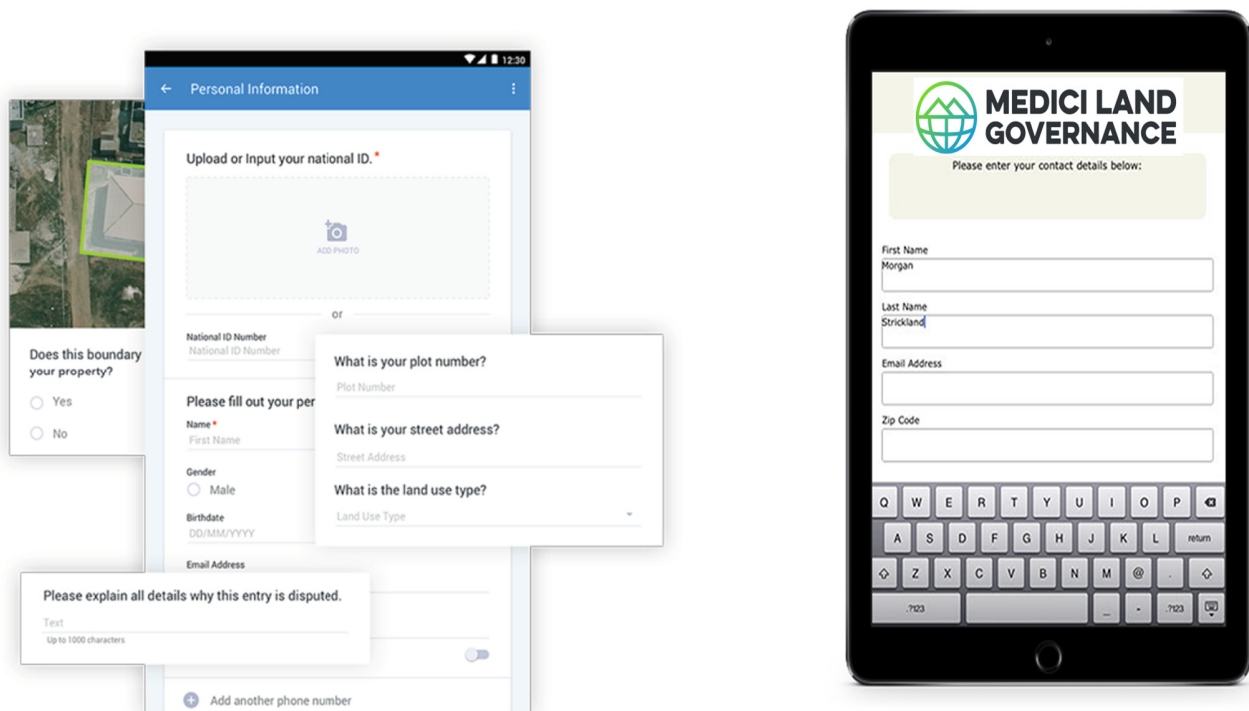


Figure 6: Enum App screen shots

2.2.3 Data review, public display and community verification

Once data collection is completed in a demarcation area, every spatial and textual records is reviewed by a team in charge of checking the data quality. Records that don't meet the set criteria for title eligibility are marked as need review by landowners during the next steps in the community.

During Two to three weeks, records including land ownership information, draft land use map and maps showing every property in a demarcation area, are displayed within community at accessible location such as schools, churches, or community halls. During this period, SMS are sent to landowners, whose information have been collected during the first round of data collection, requesting them to come through to verify their records. During this period adjudication committees attend to disputes that were recorded within the area. Most of disputes so far are related to boundaries and intra-family disputes related to inheritance. It should



Figure 7: Landowner verifying the parcel boundary in Linda Mapili with help of Enumerator.

be noted that 275 parcels were marked disputed out of 100,591 recorded parcels with complete information (0.27%) by the end of September 2021.

2.2.4 Final data review, generation of maps and survey diagram and Government approval of records

Once Community verification is complete, the data then goes through the final review to ensure quality. Land use maps and layout plans are prepared and submitted to Council planning authority for review and approval. Medici Land Governance has automated the production of survey diagrams and produces a general plan for each demarcation area.

Ministry of Lands officials as well as Council officials have access to the National Land Titling System that is used to review records and proceed with bulk approval per area. The approvals are done by following:

- At Council (Planning Authority): Director of City Planning and Town Clerk
- Survey Department (Ministry of Lands): Examiner (Surveyor) and Appointed Government Surveyor
- Lands Department: Lands Officer, Chief Lands Officer and Commissioner of Lands
- Lands and Deeds Department: Appointed Registrar of Lands and Deeds.

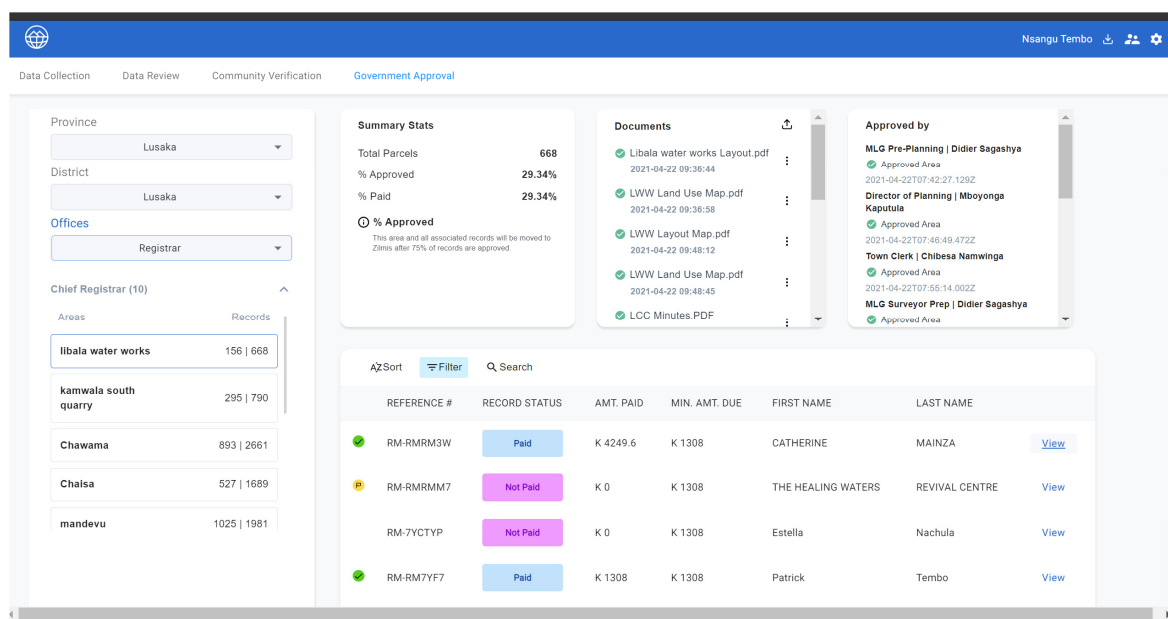


Figure 8: National Land Titling System (NLTS 2.0) – Government approval

2.2.5 Offer letter distribution, payment of minimum titling fees and Certificate of Title issuance

Once records are approved by the Commissioner of Lands, an offer letter is generated for each parcel eligible for titling. Offer letters are then printed and signed. Medici Land Governance sends SMS's to landowners whose offer letters have been generated and inform them to come to collect their offer letters at an organized community place (usually school, church or community hall). Land owners are also given details of how to make payment of minimum titling fee. For example, the titling fee for a low-cost residential area is 3,122ZMW (around 180USD) and minimum titling fee 1,000ZMW (around 60USD) which is paid at a dedicated account of the Ministry of Finance. The rest of fee is to be paid by landowner within three years after obtaining a title.

It is the payment of minimum fee that triggers the approval and generation of a Certificate of Title within the National Land Titling programme. Printed titles are then signed by officials of the Ministry of Lands. With the enactment of the amended Electronic Communication and Transaction Act, the amendment of Lands Survey Act, and Lands and Deeds Registry Act, the Ministry of Lands and Medici Land Governance developed the electronic signature which is under an approval process to be used going forward. This will speed up the process of issuance of titles and remove the burden of manually signing Certificates of Titles as well as offer letters.



Figure 9: Ministry of Lands officials manually signing Offer Letters and Certificates of Titles



Figure 10: A woman landowner together with her children after collecting her Certificates of titles

2.3 Issues encountered on the Ground

2.3.1 Understanding Cultural Norms in Demarcation Areas

All the work being undertaken covers the urban informal setting and the general encounter in these areas stem around how the land was acquired, who built on the land and who must be registered. Regarding registration spouses are encouraged to register together. However, there are nuances of the work. It was noted that it is important to understand cultural norms that exists in some demarcation areas before and during systematic land titling. Assuming that titling state land would not present issues related to beliefs and culture assimilation is not correct. A good example is an area known as Mandevu in Lusaka City where over 60% of land is owned by the Zezulu ethnic group whom most of them don't believe in courts or legal documentation. Learning from the Ethiopian experience with the LIFT (Land Investment for Transformation) Project handbook on the role of social development officer (DAI, 2020); Medici Land Governance together with Ministry of Lands resolved to have dedicated Social Development Officer whose role is to study every demarcation area, work with local leaders, especially church leaders, to find out the approach to each community and how to handle their believes and cultural norms.

2.3.2 Customary land boundaries and the peri-urban nexus

Due to a high rate of urbanization in Zambia, there is an increasing blur between customary land and statutory land especially in the urban fringes of the major towns. Sommerville & Tembo (2019) identified key tenure issues in peri-urban areas to include: a) institutional overlaps between customary authority and central/local government; b) planning issues where informal settlements tend to grow amorphously beyond the original boundary; c) municipal expansion through the conversion of peri-urban land negotiated between the municipal and the customary authority. Although the new township boundaries having been negotiated should be gazetted through a narration by the government, often these are not fully gazetted or sometimes are not fully recognized by the subsequent traditional authorities who ascend to the throne after the ones who negotiated such expansions. During the course of the work, the team has identified problems emanating from lack of clear boundaries between traditional land and state land. Such cases were encountered mainly in Luangwa and Chongwe Districts of Lusaka Province. In both Chongwe and Luangwa enumeration had to be halted after contestations from the traditional authorities that the land being proposed for titling fell in their traditional villages and was not part of the township boundaries agreed with them. There is no updated map demarcating the extent of customary land in Zambia. Over the past decades conversion of traditional lands into state land took place but no proper documentation has followed. Chiefs and traditional leaders in some cases are still claiming that lands that Councils have indicated as state land, still falls into their land. For example, an area in Lusaka shown in Figure 11 was contested by the traditional authorities of the area. However, the land in question had been incorporated into the Greater City of Lusaka and has seen unplanned growth initially through conversions and subsequent informal purchases of land.

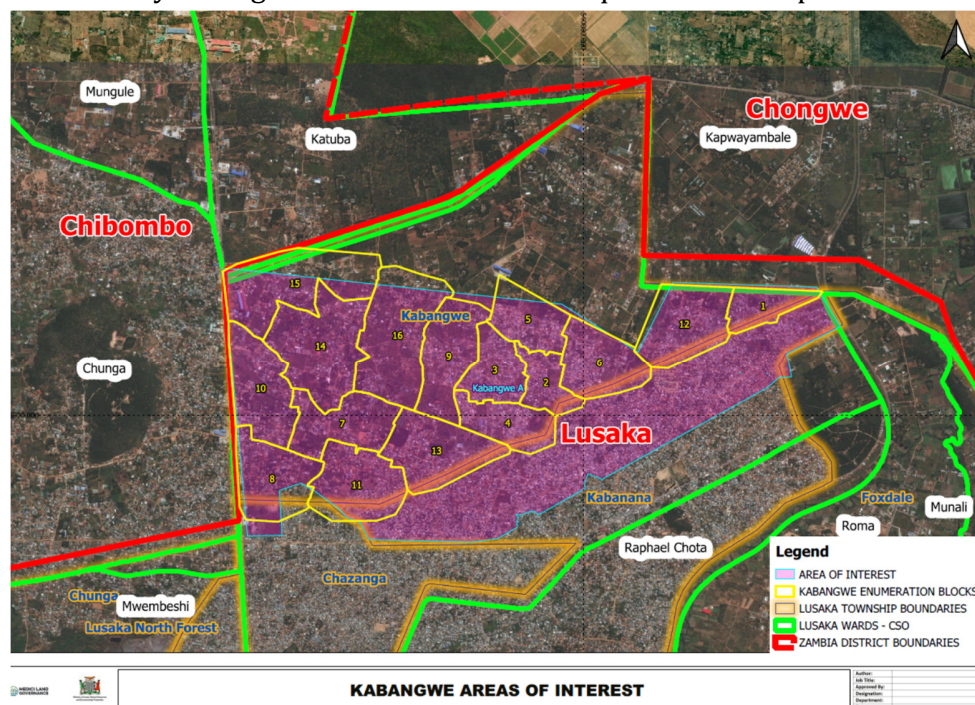


Figure 11: Area in purple contested as customary land

2.4 Conditions for success of the programme

A project of this magnitude will always have challenges and risks; these include lack of a proper legal framework for systematic titling, multiplicity of land-ownership documents issued by different authorities, thriving communities sitting on existing titles, poor payment rates of landowners and the COVID-19 pandemic which has slowed down community engagement. The MLNR continues to resolve and address challenges that have been encountered by the team. The recent passing of the new Electronics Communication and Transactions Act in April 2021 and the gazetting of the amendment of Land Survey Act and Lands and Deeds Registry Act in May 2021 will now allow the use of electronic signature in processing offer letters and certificates of titles going forward. This will allow the Ministry of Lands to have an increased number of properties to be processed in the shortest possible time. The system before the passing of the electronic communications and Transactions required manual signing which was challenging and demanding.

Below are key conditions for success of the programme:

- 1) **Legal Framework:** The implementation of the Systematic Land Titling Programme is not backed by legislation. The current legal framework i.e. Lands Act, Lands and Deeds Registry Act and Land Survey Act require amending to be consistent with the systematic land titling process. The Systematic Land Titling Process follow the principles of “Fit for Purpose Land Administration” developed by the World Bank and the International Federation of Surveyors. The MLNR should consider introducing a **New Land Adjudication Act** to deal with systematic land titling. As the new Land Adjudication Act is being proposed, it is important that the MLNR considers issuing a new **land circular** to all local authorities to guide on the implementation of the systematic titling process.
- 2) **Encumbrances** continue to be a serious obstacle for titling. The NLTP is meant to regularise areas that are informally settled. However, a number of such areas are actually held on title. Title holders continue to contest the formalisation of the areas. Some have court judgements to this effect. The MLNR needs to make a decision on how the formalisation can be done. The Cadastre Index, which is supposed to guide which properties are already surveyed, needs to be updated. Using the current Index, it has been noted that properties that were thought not to be surveyed are actually surveyed, contested and titles are presented to the project by title owners.

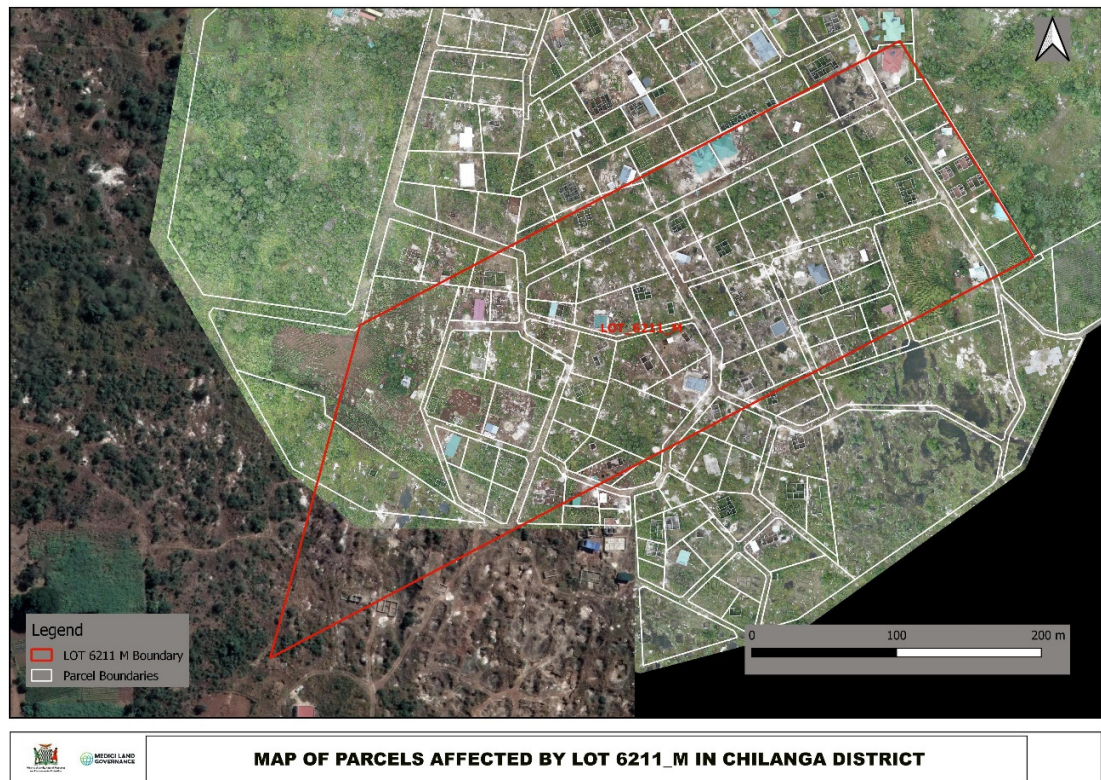


Figure 12: Map showing extent of existing title that is not on Cadastral Index Map overlapping properties digitised for data collection in Chilanga District

- 3) **Implementation of payment platforms:** As the project expands and to improve customer experience, there is need to streamline the payment system and allow mobile payments by landowners for titling fees. Initial discussions and solutions have been proposed for using existing payment solutions which need to be finalized and linked to the National Land Titling System. Further work needs to be done to link the Government Service Bus to the National Land Titling System.
- 4) **Integration with the Zambia Integrated Land Management Information System (ZILMIS).** The National Land Titling System which is being used for first registration in the systematic process requires to be integrated to ZILMIS for subsequent transactions on land. This needs to happen soon since properties that have now been issued title are already transacting.
- 5) **Payment for the vulnerable.** In other jurisdictions where mass titling has been carried out, there is provision for funds to be set aside by the state for vulnerable land-owners to be given titles for free so that a complete register is created. This allows for the land register to be holistically upgraded with all property considered.

- 6) **Implementing the Electronic Signature:** After the passing of the Electronics, Communication and Transactions Act (2021) and the Amendments to the Land Survey Act as well as the Lands and Deeds Registry Act in May of 2021, it has become possible to implement the use of the electronic signature in the bulk signing of Certificate of Titles. This will enable bulk signing of Certificates of Titles. A prototype e-signature has been presented by the developer, to the Ministry of Lands and Smart Zambia Institute and has been considered to fulfil the requirements of the e-signature as per the ECT Act. Its implementation now awaits the final approval.
- 7) **Titling of Planned Areas:** A lot of properties in formal planned areas continue to be untitled for different reasons such as houses sold to employees (ZCCM, Parastatals), or properties on converted farms which are sub-divided. While such properties may fall under secondary transactions, a systematic approach should be taken to include these in the titling programme. This will enable the Ministry of Lands to have an updated land registry in a very short time.
- 8) **Council Titled Land:** Under the repealed Housing (Statutory and Improvement Areas) Act of 1974, local authorities were allowed to issue Certificate of Titles in Statutory Areas and Occupancy Licences in Improvement Areas. This has led to a multiplicity of land registers i.e. those sitting at councils and one at the MLNR. There is a need to convert all these titles to one titling system. This could title all land parcels systematically and converting such titles into Certificates of Titles issued by the Ministry of Lands.
- 9) **Titling of Government property:** A lot of government properties such as schools, hospitals and government buildings are not titled and suffer from encroachments. It is important that these are dealt with as part of the programme. The Ministry of Lands requested MLG for a proposal, which was submitted on 30th April 2021. The evaluation of that proposal is still pending.
- 10) **Setting up the Project Steering Committee:** As part of the Governance structure of the Programme, a steering committee made up key stakeholders has to be established. The committee is responsible for, but not limited to, providing strategic orientation to the programme, review and endorse reports of the Technical Committee, and ensure that all challenges to the programme are resolved timely for its success. The steering committee is still awaited.

3. CONCLUSION

In past, most of National Land Tilting Projects have been funded, in the past, through donor initiative. That is the case, for example, in Rwanda (L. Schreiber, 2017) and Ethiopia (K. Deininger 2007) where former DFID, currently FCDO funded two big projects, in Tanzania where USAID and DFID funded pilot projects. The partnership between Zambia Ministry of Lands and Medici Land Governance is unique in the sense that a public benefit company invest in security of tenure for the benefits of low income segment in a country. This unique effort needs to be further studied in the future to assess the impact of the project and develop more model applicable in other countries.

Any National Land Titling Programme needs three main elements for its success: (i) political will, (ii) a political champion at the highest level, and (iii) a technical champion. These three elements are key to deal with challenges that have been indicated in this paper and apply to any programme. The presence of private funding for land titling, in case of Zambia, with leading technology, is not the final solution to have a successful project.

As indicated in this paper, proper prior analysis and understanding of cultural norms, traditional leadership are important to be undertaken. Special attention needs to be given to communities in demarcation areas to ascertain that no one is left behind in the land titling program. Land titling projects must consider the role of social officers as it is a good example in Ethiopia with the LIFT Project. More studies are needed to investigate various regions/provinces of Zambia to establish the right approach and procedures in relation to the different culture and norms of each given society in demarcation areas.

Realising the challenges related to clarification of boundaries between customary land versus state land, we are recommending that Zambia emulate the good example that was done in Malawi, where the Malawian Ministry of Lands in partnership with the Regional Centre for Mapping of Resources for Development successfully mapped all customary lands and even established boundaries between chiefs and kings amongst themselves. Such initiative will help Zambia to update the map shown as figure 1 that is indicated in this paper.

This paper is written 10 months after the launch of the roll out of the National Land Titling Programme in Zambia. It was a challenging period to implement the project amid COVID-19 which limited field activities. Issues that are raised in this paper will require more attention in coming months of implementation.

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6. AUTHOR CONTRIBUTIONS

Mr. Emmanuel Tembo is the Project Manager of the National Land Titling Programme under Zambia Ministry of Lands and Natural Resources since February 2019. In this paper, Mr. Emmanuel Tembo contributed as co-writer.

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Disclaimer: This paper bares the names and contacts of authors. Ideas and statements in the paper are entirely those of the authors and don't represent positions or opinion of organisations they work for.

7. REFERENCES

DAI (2020). Inclusive Land Registration and the Critical Role of Social Development Officers: A handbook for program design and implementation. Retrieved from <https://www.dai.com/uploads/DAI%20SDO%20Guide-3ddf0d.pdf> 13th October 2021.

Deininger et al (2007). Rural land certification in Ethiopia: Process, initial impact, and implications for other African countries. Retrieved from: <https://documents1.worldbank.org/curated/en/504601468256145297/pdf/wps4218.pdf>. 15th October 2021.

Enemark et al (2014). Fit for Purpose Land Administration Guide – Publication by FIG/World Bank Retrieved from: <https://www.fig.net/resources/publications/figpub/pub60/Figpub60.pdf>. 11th October 2021.

Mvunga M.P. (1980) The colonial foundation of Zambia's Land Tenure System. NECZAM.

Rakodi, C. (1986) "Housing in Lusaka: Policies and Progress" In: Geoffrey Williams (1986) Lusaka and Its Environs, Zambia Geographical Associations Handbook Series No. 9 Lusaka. pp.189-209.

Schreiber (2017). Securing land right: Making land titling work in Rwanda 2012 – 2017 Accessible from https://successfulsocieties.princeton.edu/sites/successfulsocieties/files/LS_Land_Rwanda_Revised_9_14_2017.pdf. Retrieved on 13th October 2021.

Sommerville & Tembo (2019): Land Tenure Dynamics in Peri-Urban Zambia -Policy Brief. Retrieved from <https://urban-links.org/land-tenure-dynamics-in-peri-urban-zambia/>. 14th October 2021.

8. KEY TERMS AND DEFINITIONS

Private Sector Participation: refers to when a private company or investor engages, financially, in undertaking a project along with public sector.

Systematic Land Titling (SLT): The collection and recording of information on land (Spatial and non-spatial) done parcel by parcel to cover the entire area under land titling.

Cultural Norms: These are standards, including rules and expectations, that guide the living of a group in a society. They are learnt from Parents to children and after other people in a society.