



Creation of Land Records Prior to Formal Registration in Lesotho

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Presentation Overview

1. Problem analysis of Land Registration in Lesotho.
2. Attempts to create systematic land records “big picture” in Maseru
3. Creation of land records, formal registration and land reform.
4. Outlook for future of land records in Lesotho

Problem analysis

Ü Major land reforms introduced through Land Act 1979

- Title registration system with unique numbering for plots
- Lack of capacity necessitated sporadic registration
- Adoption of general boundary survey using orthophoto
- Powers of land allocation transferred from chiefs to allocation committees.

Informal Settlements

- Ü Conversion of agricultural land through subdivision and sale as residential sites
- Ü Chiefs' participation through provision of backdated form Cs
- Ü Conversion of form Cs to leases as per Land Act 1979 (formalising informal allocations)
- Ü Formal settlement expansion involves land acquisition and compensation of field owners

Land records projects

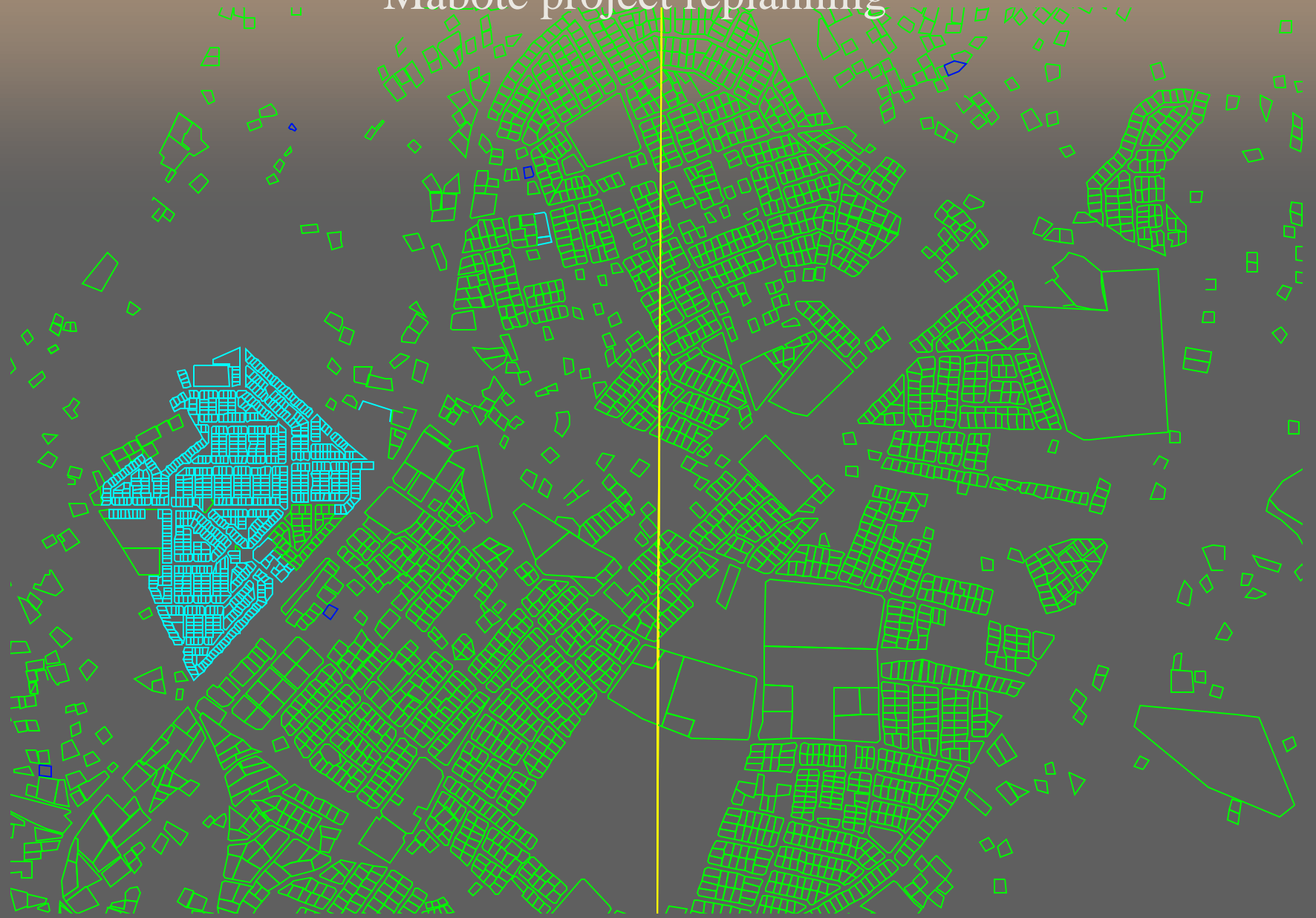
Ü Mabote project 1985

- Formalising informal allocations by issuing land act leases and re-planning

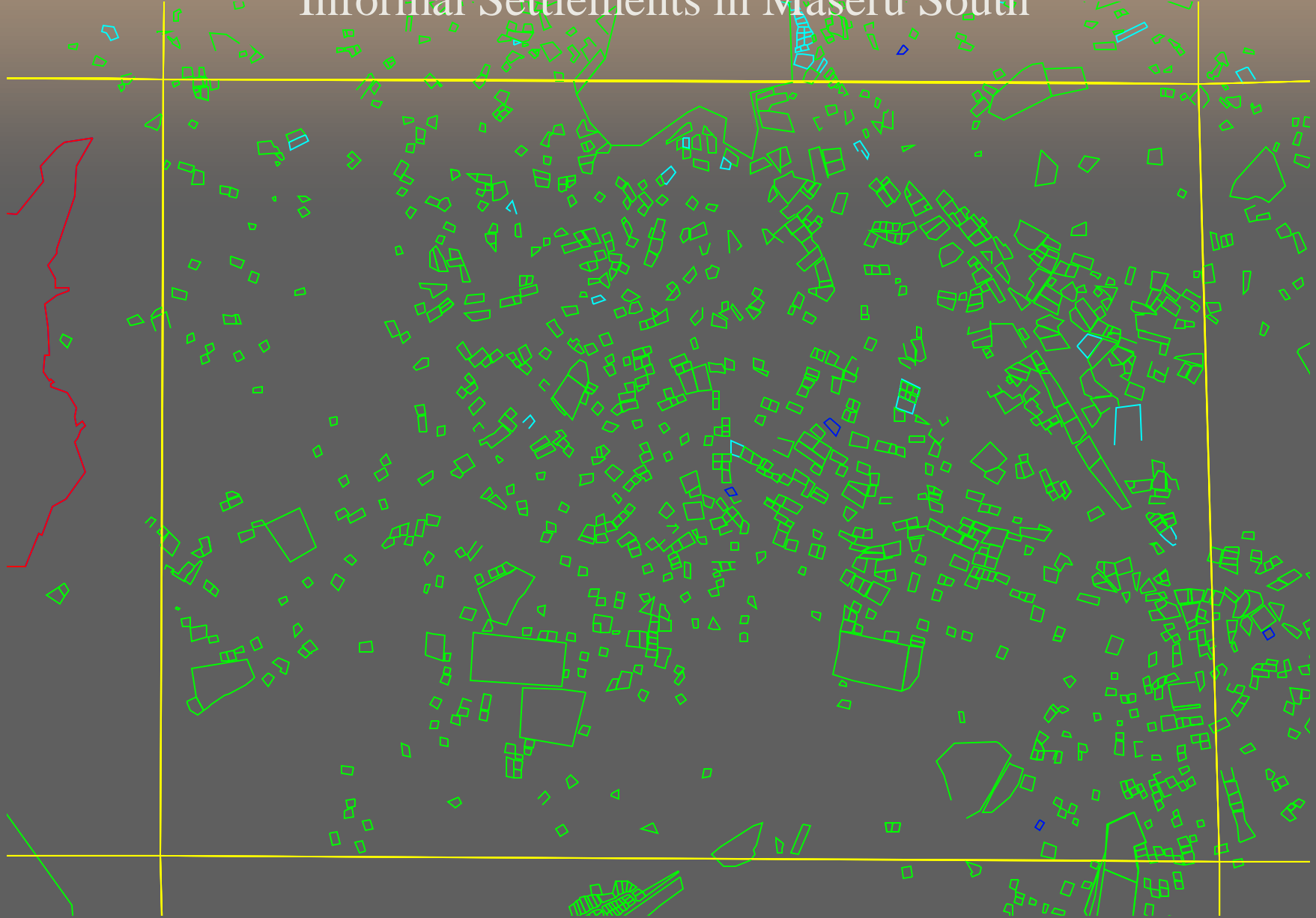
Ü Urban Sector Re-orientation project

- Project goals: high densities, providing basic infrastructure and basis for land taxation.
- Land records with revalidated Form Cs

Mabote project replanning



Informal Settlements in Maseru South





Policy on informal settlements

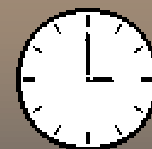


- ü Policies on informal settlements range from authoritarian to laissez-faire policies (Durand-Lasserve (1996))
- ü Lesotho constitution provides for freedom from arbitrary seizure of property
- ü Demolition of properties of illegal settlers in a Selected Development Area (SDA)
- ü 43 illegal settlers in the SDA interdicted government from removing or demolishing their houses without compensation

Creation of Land Records Initiatives

- ü Prevention of settlements encroachments into agricultural land
- ü Digital agricultural mapping: digital orthophoto mapping to facilitate block farming
- ü Land Inventory concept: creation of land records prior to registration using Digital Plane Table, Digital Orthophoto Mapping and Land Technicians
- ü Unplanned settlement upgrading: Maseru City Council initiative for registering and upgrading informal settlements

Land Reform Timeline



- Ü 28.12.1999 Gazette establishing the Land Policy Review Commission.
- Ü February – September 2000: Land review process consisting public gatherings, written submissions, interviews and international trips.
- Ü 31.10.2000 Commission's Report adopted as official working document.
- Ü 2003 Draft National Land Policy Developed.
- Ü Land Bill 2004 ready for tabling in Parliament

Land Bill proposals for land records

ü Three types of Leases:

- PRIMARY LEASE: replaces allocation of land; governed by the new Act and common law; the basic form of rural land holding in Lesotho
- DEMARCATED LEASE: clear rights and boundaries through adjudication process; registrable at local level
- REGISTRABLE AND QUALIFIED LEASE: the lease of the Land Act 1979; continues as it is now

Other Land Bill proposals

ü Land dispute resolution

- Land court, District land courts and local land courts
- Mediator and district mediation panels

ü Introduction of formalised land market

- Land Market Board to oversee dispositions of interest in land

ü Decentralisation of land management

- Community Councils responsible for primary leases
- District Councils responsible for reviewing applications in relation to demarcated and registrable leases
- Urban and Municipal Councils responsible for reviewing applications for registrable leases.

Outlook for land records

Ü Positive aspects

- Demarcated leases suitable for land records prior formal registration.
- Orthophoto mapping suitable for identification of land parcels
- Maseru City Council initiatives to have legal backing
- Implementation of Land Inventory concept in land reform implementation

Ü Areas of concern

- Tenure security for demarcated leases (effects of land market)
- Political will and capacity to implement land reform



Thank you for your attention