

The Case for Private Conveyancing: Innovative Approaches for Land Tenure Documentation - Lessons from Zambia

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SUMMARY

Innovative approaches to registering land rights are emerging in Zambia admits an ineffective formal and informal land recordation process vis-à-vis the continuum of land rights. This is currently taking place outside the formal process, with non-state actors focusing on the delivery of secure tenure for land rights holders under customary tenure. The customary land recordation happens outside the formal land registration system, as Zambia is currently testing the Systematic Land Regularization Manual developed in 2017, planned for the implementation of the National Land Titling Program. Under statutory land recordation, local authorities in collaboration with grassroots communities actively engage in the registration of occupancy licenses in informal settlements.

The study was carried out using a case study approach to analyze the implementation of innovative tools for land rights recordation in Zambia. A participatory approach to data collection using the Social Tenure Domain Model (STDm) in Lusaka showed that the role of local leaders is essential in the success of land recordation projects. The process for documentation created an awareness around the payment for rates and taxes by occupiers of land in informal settlements and an opportunity for recognition of occupation from the local authority. The case study also showed that the use of land information strengthened the role of traditional authorities in negotiating for development and acts as an important tool in dispute resolution. Data presented by respondents of the case study was shared with stakeholders in the Zambian land sector at a workshop. The results indicate that the use of various registration tools provide some level of tenure security, reduces disputes over land and holders of land occupation certificates use certificates to negotiate for land investments in rural areas. Moreover, the recordation of customary land has aided traditional authorities in preventing double land allocations. Most importantly, the tools used increased the protection of women's land rights.

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There is an emerging concern, that with the different agencies collecting land information for their own purpose the issue of data quality, standards and formats comes into question. This comes at the advent of the long-awaited National Land Titling Program that aims to provide security of tenure and register all land rights in Zambia. The study proposes that if private titling is an approach that can be sanctioned to support the National Land Titling Program, it will be beneficial to formulate minimum standards, using a continuum of accuracy for land rights registration. This will ensure the compatibility of data, and minimum cost for collection, that can establish a coherent approach to the management of multi-stakeholders in the National Land Titling Program.

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