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GENDER-RESPONSIVE LAND ADMINISTRATION IN LOCAL AUTHORITIES IN ZAMBIA

PRACTICE NOTES

JULY 2023

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ACRONYMS

| | |
|-------|--|
| GIS | Geographic Information Systems |
| GRZ | Government of the Republic of Zambia |
| Ha | Hectare |
| IDP | Integrated Development Plan |
| ILRG | Integrated Land Resource Governance Program |
| K | Zambia Kwacha |
| LAP | Local Area Plan |
| LGAZ | Local Government Association of Zambia |
| LPP | Layout Plan Preparation |
| NSDI | National Spatial Data Infrastructure |
| PSIR | Planning Survey and Issues Report |
| PWD | People Living with Disabilities |
| URP | Urban and Regional Planning |
| USAID | United States Agency for International Development |
| ZESCO | Zambia Electrical Supply Corporation Limited |

KEY TERMS

| TERM | DEFINITION |
|----------------------------|--|
| Land Administration | The process of allocating land and determining, recording, and disseminating information about the tenure, value and use of land when implementing land management policies. |
| Land Management | The management of land as a resource, both from an environmental and an economic perspective. |
| Gender Equality | Having equal social conditions for women and men in the household, community, or society so that they both can experience a balance of power, opportunities, rewards, equal prospects for realizing their human rights, and potential to contribute and benefit from resources. |
| Gender Equity | Fairness accorded to women and men to achieve gender equality – or bridge the gender gap in participation. The <i>gender gap</i> is the difference created over time in participation in natural resource management between women and men in terms of levels of representation, access to resources, rights, power, influence, remuneration, and benefits. Achieving <i>gender equity</i> calls for differential treatment between women and men. It is about recognizing the unfairness in the treatment of women to eventually achieve gender equality and to compensate for the historical and social disadvantages that have prevented women and men from sharing a level playing field. It calls for specific measures to address the imbalance. |
| Marginalized Groups | Category of individuals who have or are likely to be disadvantaged or excluded from benefiting or accessing a service, position, recognition due to their social, physical, or economic status. These include women, youths, the aged, and people with disabilities. |
| Standing Orders | Guidelines for regulating the proceedings and preserving order at meetings of the Council, committee, or subcommittee and entering into contracts with the Local Authority. |
| Social Inclusion | The process of ensuring that all individuals have equal access to and opportunities for participating fully in society regardless of their background or circumstances. |
| Own Source Revenue | Resources generated by the Council through local strategies other than government or donor support. |
| Customary Land | Land under traditional authority administration i.e., Chief/Chieftainess as provided under the Lands Act. |
| State Land | Land under the administration of the President through the Commissioner of Lands as provided under the Lands Act. |

BACKGROUND

Historically, land in Zambia has been perceived as abundant and widely available. However, changing demographics, a growing middle class and increased allocation of land for investment opportunities are resulting pockets of land scarcity, land conflict, and increased pressure on other natural resources. These dynamics are compounded by a lack of documentation, transparency, and a robust administration in both state and customary land systems. Revenue from opening land for development, and subsequent collection of land premium fees and development charges, remains one of the largest contributors to most district own source revenue.

The United States Agency for International Development (USAID) Integrated Land and Resource Governance (ILRG) programme seeks to build the capacity of local organizations, district and national government, traditional leaders, and communities to sustainably administer land in an inclusive manner. The USAID Local Impact Governance Project (Local Impact) seeks to improve institutional capacities of Local Authorities in Central and Muchinga provinces to forge strategies to enhance service delivery and generate local revenue. Together, the two projects collaborated to support Local Authorities on gender responsive land administration.

Inclusive land administration entails equitable land access and ownership for all citizens, including women, youths, and other disadvantaged groups and fosters socio-economic development at the district level. Generally, land administration in Zambia is not equitably shared and often does not take into consideration the rights of women, youths and other marginalised groups to land ownership (National Land Policy, 2021). Yet global evidence shows that when women have access to land, countries experience short term gains in agricultural productivity and long term social economic gains that can significantly contribute to poverty reduction and economic growth (FAO, 2020).

Despite supportive land and resource tenure laws and policies (Statutory Instruments, Acts, policies), Local Authorities do not have well documented standards for implementing inclusive land administration. Existing laws and policies are usually subjectively interpreted, allowing for inconsistencies in information management and decision making. The Land Administrative Circular No. 1 of 1985 that deals with land administration on state land covers only a small part of what is required in terms of regulations (Adams, 2003) and does not cover customary land. The absence of prescribed regulations hands a large amount of discretionary power to Councils and the Commissioner for Lands, while the public remains deprived of equitable services and access to local resources.

Some of the weaknesses in land administration at the local level might be solved by tackling administrative bottlenecks such as implementing a comprehensive up-to-date simplified land code embodying the principal land laws, standards of practice, prescribed forms, and details of relevant contact offices. This Practice Note addresses part of the need to provide a set of practical tools for inclusive standard land administration practices that are also gender responsive. They can serve as a resource to help Local Authorities in the country implement inclusive and effective land allocation and enhance service delivery.

WHO CAN USE THE PRACTICE NOTES

The Practice Note was developed in consultation with four (4) District Councils (Mumbwa, Chibombo, Chipata, Itezhi Tezhi, Mpika, Chama) with the aim to complement other capacity building efforts in land administration. The tool was developed to bridge the gap between the laws, policies, and practices to promote gender equity, transparency, and inclusiveness in land administration processes. The structure and content are developed to be useful for Local Authorities (i.e., traditional leaders, civic leaders, Ward Development Committees members or staff of Civil Society Organizations working at local level or any other stakeholders interested in the promotion of gender responsiveness in land administration). The Summary Notes have been extracted from the main comprehensive Practice Notes.

HOW TO USE THE PRACTICE NOTES

The Practice Note contain information on gender responsive practices in land administration and can be used as reference material for training, a guiding tool for day-to-day work or as and an information, education, and communication material. The Practice Note is not an authority, or does it supersede any existing law(s) hence, reference must always be made to prevailing statutes and regulations to ensure compliance. The full Practice Note manual should be used for detailed referencing on policies and statutes. The use of the Practice Note can be adapted according to the local context and draw lessons based on practical experiences, as issues vary from one Local Authority to the next.

STRUCTURE OF THE PRACTICE NOTES

The first section of the Practice Note provides information on the process and system of land administration in Zambia that is important for key stakeholders to understand and apply in the overall work of land administration (noted in red). The second section outlines specific approaches for gender responsive and inclusive land allocation (noted in blue).

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THE LAND ALIENATION SYSTEM IN ZAMBIA

FACT SHEET

Land
Alienation
System

Land in Zambia is divided between state and customary, as defined in the 1995 Lands Act. Customary areas are defined as “the area described in the Schedules to Zambia Orders (State Lands and Reserves) 1928 to 1964, and the Zambia Orders (Trust Land) 1947 to 1964. These customary areas cover approximately 94 percent of the country, with state land occupying the remaining areas. In customary areas, Zambia’s land administration system recognizes traditional authorities as institutions responsible for administering land under customary tenure. The Commissioner of Lands alienates land under leasehold tenure through delegated authority on behalf of the President. In practice, the state administers land under customary tenure through conversion and processing of 99-year leasehold title, as well as public lands like National Parks and gazetted forest areas. Land can become eligible for leasehold tenure either through one-off conversion by landholders with the permission of the Chief, as described in the 1995 Lands Act, or through agreements between traditional leaders and state institutions, such as the Department of Resettlement or Councils. When Councils or government departments access and convert customary land, the land is planned (by the Council or planning authorities) and subsequently developers can obtain leasehold titles for 99-years issued by the Commissioner of Lands. Other options for securing tenure rights historically used include common leasehold and occupancy licenses for land under improvement areas.

Accessing land under leasehold tenure is a challenge for most Zambians, and more difficult for the poor, women, youths, and other marginalized groups due to administrative and economic barriers which disproportionately affect them. As a result, informal settlements are used as an alternative means of accessing state land for these groups that are unable to access formal and planned land directly from state institutions for lack of access to information, high costs, cumbersome processes, or limited available plots. Informal settlements, however, lack tenure security.

Land alienation under customary tenure falls under traditional authorities who are responsible for allocating land to anyone interested. Access to land under this tenure system is relatively easy, as processes are less cumbersome and there are fewer administrative costs. Rights under customary tenure are considered less secure though than on leasehold tenure, as they are often subject to the ultimate discretion of traditional leaders. However, on both systems, challenges for women in accessing and owning land are common due to the deep-seated social norms. For instance, the cultural belief and practice recognize men as heads of the household; hence, men are more likely than women to be considered for land allocation. Apart from gender stereotypes, women access and ownership is also limited by lack of finances, information, and the cumbersome administrative procedures as they face time constraints due the burden of family care responsibilities. Some of the barriers also impact other marginalized groups such as youths, people with disabilities and the aged.

TABLE I: CHARACTERISTICS OF CUSTOMARY AND STATE LAND IN ZAMBIA

| LAND TENURE SYSTEM | STATE LAND | CUSTOMARY LAND |
|-------------------------|----------------------------------|--|
| Authorities | Commissioner of Lands | Chiefs, Headpersons |
| | Councils | |
| | Planning Authorities | |
| Land Rights | Very Strong (99-year lease) | Usually undocumented, or lacking spatial information |
| | Less Strong (Occupancy Licenses) | |
| | None (Informal Settlements) | |
| Planning | Done (for formal settlements) | Rarely done |
| Access Barriers | Economic | Cultural, Economic |
| | Administrative | |
| | Political | Social |
| | Information asymmetries | |
| Opportunities for Women | Low | Low |

THE LEGAL AND POLICY FRAMEWORK IN LAND ADMINISTRATION FACT SHEET

Policy &
Legal
Framework

Constitutionally, all land is vested in the President who holds it in perpetuity for and on behalf of the people of Zambia. There are several statutes which govern land administration in Zambia which are also complementary.

TABLE 2: STATUTES AND PLAYERS IN LAND ADMINISTRATION IN ZAMBIA

| RELEVANT STATUTE | FOCUS AREAS | KEY PLAYER(S) |
|---|---|---|
| Lands Act No. 20 of 1995 | <ul style="list-style-type: none"> Land alienation Conversation of tenure Real estate and mortgages | Commissioner of Lands Traditional Authorities |
| Land Survey Act 293 of 1960 | <ul style="list-style-type: none"> Land survey Registration of lands and deeds | Surveyor General |
| Lands and Deeds Registry Act | <ul style="list-style-type: none"> Land register Registration of lease (Title) Conveyance/transfer of land rights Real estate and mortgages | Commissioner of Lands |
| Local Government Act No. 2 of 2019 | <ul style="list-style-type: none"> Local Authority boundaries Decentralization | Local Authority |
| Wildlife Act No. 14 of 2015 | <ul style="list-style-type: none"> Land alienation – Tourism purposes Game Management Areas and National Parks | Ministry of Tourism and Arts, Director Department of National Parks and Wildlife |
| Forests Act No. 4 of 2015 | <ul style="list-style-type: none"> Conservation of forests and trees | Ministry of Green Economy |
| The Urban and Regional Planning Act No. 3 of 2015 | <ul style="list-style-type: none"> Integrated Development Planning Development control Unplanned settlements Planning agreements – customary | Director Planning – Ministry of Local Government and Rural Development Local Authority Traditional Authorities |
| Land (Perpetual Succession) Act | <ul style="list-style-type: none"> Inheritance | Ministry of Lands and Natural Resources |
| Resettlement Policy (2015) | <ul style="list-style-type: none"> Resettlement | Office of the Vice President |
| Land Administrative Circular No. 1 of 1985 | <ul style="list-style-type: none"> Land allocation procedures | Local Authority |
| National Lands Policy (2021) | <ul style="list-style-type: none"> Effectiveness and efficiency in land administration | Ministry of Lands Local Authority |
| Mines and Minerals Development Act No. 7 of 2008 | <ul style="list-style-type: none"> Protection of land during prospecting, mining, decommissioning, closure of mines | Ministry of Mines |
| Environmental Management Act No. 12 of 2011 | <ul style="list-style-type: none"> Provide for integrated environmental management and protection and conservation of the environment and sustainable management and use of natural resources | Ministry of Green Economy Council/Lands |
| National Social Protection Policy (2014) | <ul style="list-style-type: none"> Provide decent low-cost housing water and sanitation services to underserved communities. Equitable access to land by all Zambians including vulnerable people | Ministry of Local Government and Rural Development Ministry of Lands and Natural Resources Ministry of Community Development and Social Services Local Authority |

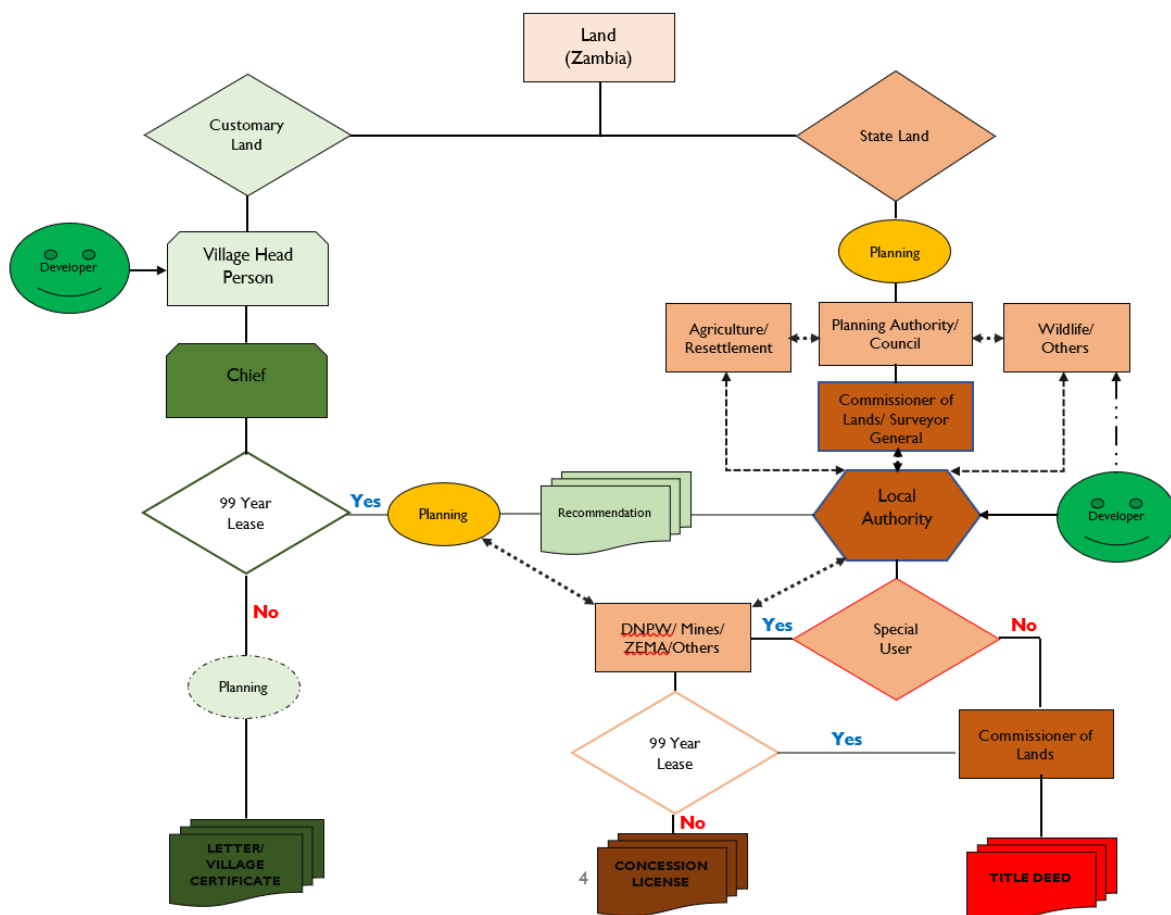
*This list is not exhaustive as there are many more players and statutes with direct interest in land.

STAKEHOLDERS IN LAND ADMINISTRATION

There are several players and institutions involved in land administration and governance in Zambia making it complex to reconcile the different interests among the various players. However, the Ministry of Lands and Natural Resources (MLNR) is the core institution responsible for registration and management of land in Zambia, with delegated authority to Local Authorities, while other players and institutions have complementary mandates.

Land administration roles for each player is defined in their respective statutes, though ultimately coordination remains with the Commissioner of Lands and with the Chief/Chieftainess in the case of customary land. Further, for all institutions involved in land administration, there is one major stakeholder, the community served. Communities depend on land for their livelihoods and well-being and institutions operating under statutory or customary tenure exist to serve the best interests of the people in the communities (See Figure 1 below).

FIGURE 1: PLAYERS IN LAND ADMINISTRATION IN ZAMBIA

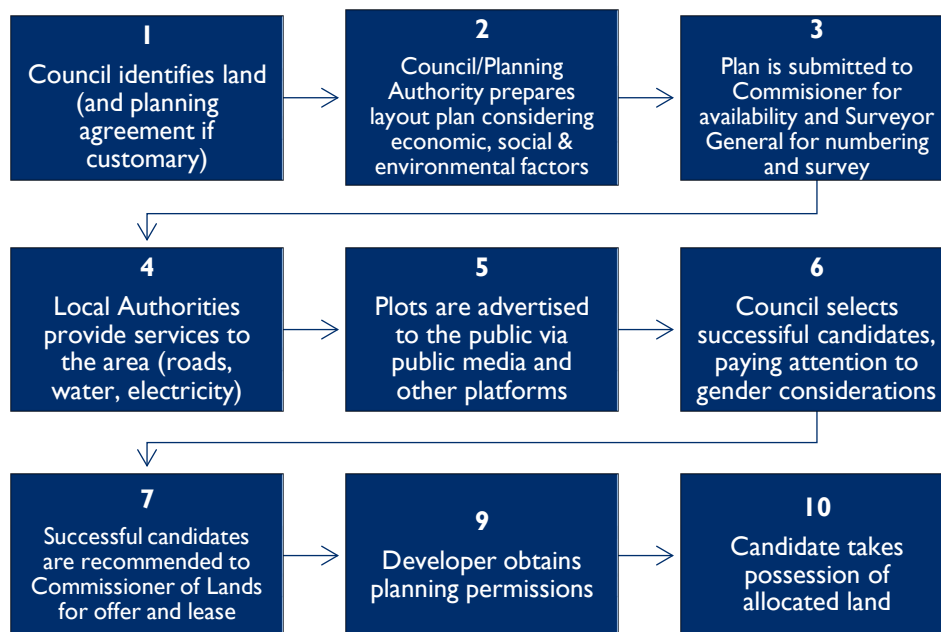


LAND ADMINISTRATION PROCESS FACT SHEET

Land
Alienation
System

The President can alienate land to any Zambian aged 21 years and above. However, the President has delegated land alienation functions to the Commissioner of Lands under Statutory Instrument No. 7 of 1964 and Gazette Notice No. 1345 of 1975 to grant or disposition land to any person subject to the special or general directions of the Minister responsible for land matters (Government of the Republic of Zambia (GRZ), 1985). Some of the functions of the Commissioner of Lands have been decentralized to Local Authorities who have the responsibility for processing applications, selecting suitable candidates, and making recommendations to and on behalf of the Commissioner. According to the Administrative Circular No. 1 of 1985, the process of land alienation is well-defined and procedural.

FIGURE 2: PROCEDURE FOR OBTAINING LAND UNDER LEASEHOLD TENURE



Although land allocation is a delegated function from the Commissioner of Lands, most steps in the process fall within the mandate of Local Authorities. By statutory design, Councils are directly responsible for identification of urban development areas, Local Area Plans, allocation recommendations, planning permission and approval, development control, and many other planning and development decisions within their jurisdiction as planning authorities. Land administration also provides one of the biggest sources of locally generated revenue for most Councils in the form of property rates, development charges and land fees, among others. In Mumbwa, for instance, land related activities accounted for 42 percent of the total locally generated revenue for the 2022 Council budget (Council, Estimates of Revenue and Expenditure, 2021).

Several Councils in Zambia are marred with complaints of poor service delivery, corruption in land administration, lack of transparency, inclusion, and ineffective resource mobilization strategies. The dissatisfaction is largely attributed to inadequate technical, financial, and human resource capacities. Despite, some positive improvements in the number of qualified members in Councils, complaints have persisted. Inquiry into the status of gender equality from selected Councils, shows the lack of mechanisms for inclusive and transparent processes, attributed to inadequate tools and resources for the execution of such a mandate, both at the administrative and policy level.

TOWNSHIP EXPANSION AND CUSTOMARY LAND ADMINISTRATION FACT SHEET

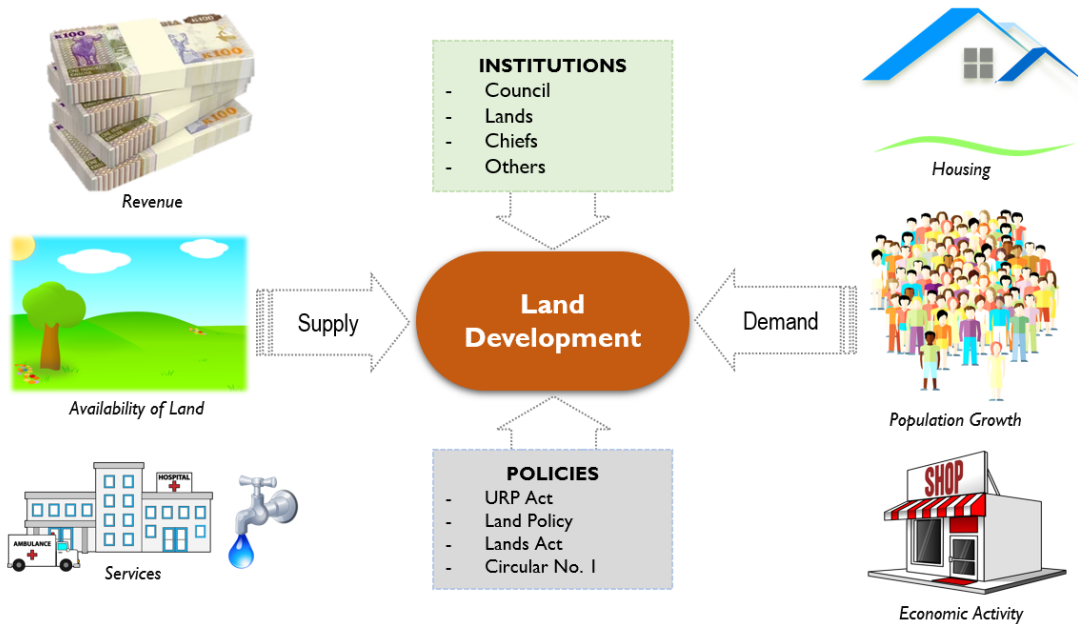


Municipalities play a critical role in service delivery and social economic development and processes. However, some of Zambia’s municipal towns were built as small administrative centers with limited capacity for effective service delivery. As a result, there has been need for township expansion in most districts to cater for the growing urban populations and district functions. To facilitate this expansion, Councils enter into arrangements with chiefs to access land under customary tenure, which then is converted to leasehold tenure. This process is rarely straight forward, and in some cases has been the source of land disputes.

DRIVERS FUELING LAND DEVELOPMENT

- Land development, whether under customary or leasehold tenure, is influenced by both the supply and demand factors on the part of local government, as well as district populations.
- Local government interests are driven by the need for revenue, desire to foster development through service provision, and an interest in attracting investment for business and residential purposes.
- District residents are increasingly looking for housing, and due to population growth, even small districts are acting as hubs for neighboring rural chiefdoms.
- These factors drive demand for land, prompting the push for planning for the municipality growth and development, especially as economic activity expands onto customary land.

FIGURE 3: DRIVERS INFLUENCING LAND DEVELOPMENT



The Land Administrative Circular No. 1 of 1985 and the Urban and Regional Planning (URP) Act No. 3 of 2015 confers the responsibility of planning onto Local Authorities. However, both statutory documents are silent on the requirements prior to planning, though the Act recognizes the need to prepare a report on the planning survey carried out, indicating the principal spatial and economic characteristics of the area being considered, characteristics of neighboring areas, and characteristics of the population in the area. The Act further gives responsibility to the Council to determine the preparation and scope of a Local Area Plan based on its needs, capacity, and resources. The policy gaps are similar for land falling under customary tenure, as there are no documented procedures to

guide traditional authorities on the process of land identification except for the Lands Act, which only prescribes the forms to fill out and the process to follow when applying for conversion of tenure.

INSTITUTIONAL PROCESSES FOR ACCESSING CUSTOMARY LAND

The Urban and Regional Planning (URP) Act has made provisions for the option of councils entering into planning agreements with local chiefs. However, there are currently no specific outline or procedure that Councils follow to access land from the chiefs as provisions in the URP Act around planning agreements are yet to be provided with regulations. Planning agreements are therefore implemented by Councils under varying circumstances and approaches. The following approaches draw on the experience of the Mumbwa Town Council during their land acquisition process for the new township in Nangoma area, as part of the township expansion:

- Access to land is influenced by relations between the Council, traditional authorities, and individual personality of the Chief/Chieftainess
- The Council approaches the Chief/Chieftainess to share proposed ideas. Councils intentionally foster relationships with traditional authorities to advance district development.
- Once the Chief/Chieftainess agrees, the Council is referred to the village headperson to further scrutinize the proposed development plan and search for available land.
- The Council proceeds to share ideas and possible layout plans for the proposed area improvement plans and introduces some potential land uses depending on the area (e.g., industrial, commercial land use or farming).
- The headperson then takes the issue to the community members. Experience shows that, often when the two levels of leadership consent, most likely community members would agree, but those that disagree are given the opportunity to be heard.
- In instances where the Chief/Chieftainess refuses to consent, the Council tries to negotiate. If negotiations fail, the Council then escalates the matter to the Provincial Office for further engagement.
- In the event of failed negotiations by the Council and Provincial Office, the Ministry of Local Government and Rural Development is then requested to step in. If the Chief/Chieftainess or Council refuses to enter into a planning agreement, the Minister (with consultation of the President) can decide in the public interest and sign a binding planning agreement.

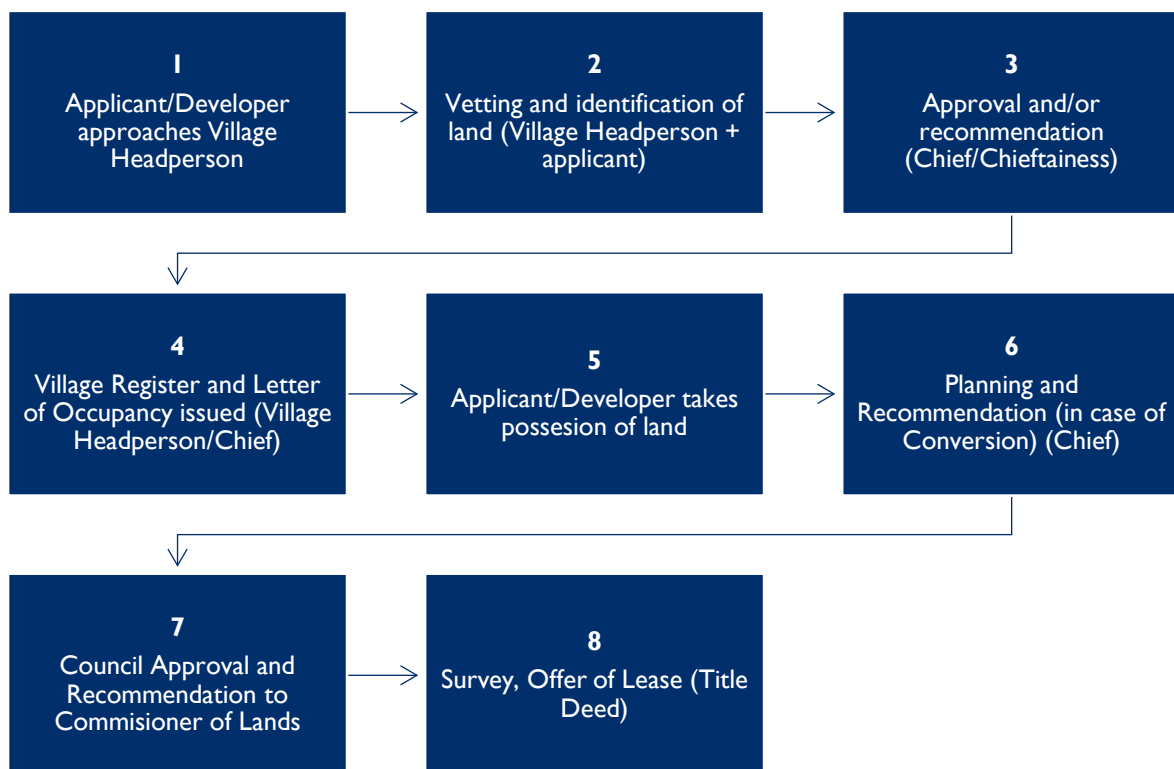
INDIVIDUAL PROCESSES FOR ACCESSING CUSTOMARY LAND

Accessing customary land at an individual level to convert directly to leasehold tenure involves the following steps:

- An interested person approaches the Chief/Chieftainess or headperson directly to request land.
- Allocation of land is based on the village headperson vetting the applicant and, depending on availability of land, recommending allocation to the Chief/Chieftainess for final approval.
- If satisfied, the Chief/Chieftainess approves the recommendation and issues the individual with a village settlement certificate/letter, or a recommendation for conversion of tenure, following the prescribed form in the Lands Act of 1995. The applicant is then recorded in the village register and takes possession of the land, with conditions to comply with the chiefdom's cultural and social norms and the land use restrictions. No fixed land related fees are categorically stated for one to access land under customary tenure, though reports often indicate that applicants are asked to pay something to the village headperson.

- For conversion of tenure, the applicant follows the procedures of conversion with the Ministry of Lands, which includes getting a letter of consent from the Chief/Chieftainess and an endorsed site plan, which are submitted to the Council for approval and recommendation to the Commissioner of Lands.
- Once the recommendation is approved by the Commissioner of Lands, after verifying that the land has no prior allocations or encumbrances, the applicant is given an offer of lease.
- Once payment to the Commissioner of Lands is made, the developer needs to survey the land and process the 99-year lease (title deed). At this point the land is converted to leasehold tenure.

FIGURE 4: PROCESS FOR INDIVIDUAL ACCESS OF CUSTOMARY LAND



DYNAMICS IN CONVERSION OF CUSTOMARY LAND

The conversion of customary land to state land poses several challenges in land administration and management affecting allocation, registration, ownership, and security of tenure, especially for women and other vulnerable groups. Some of the issues include:

- In the case of displacement from land earmarked for large scale developments, women and other marginalized groups usually shoulder the burden of finding alternative livelihoods. In this process, vulnerable groups such as women, youths, the aged; are exposed to increased risk of gender-based violence (GBV).
- Land disputes are common features in the process of land conversion. Council sometimes have proceeded to plan an area and allocate land for development without adequate considerations and compensation to the previous customary residents. The displaced occupants, who typically rely on agricultural activities have limited economic opportunities in townships and often end up going to the Chief to ask for alternative land allocation.
- In some cases, people are offered residential plots, and may not have financial resources, and therefore fail to develop the land.

- It is common occurrence for a chief or chieftainess (or peri-urban headpersons or households) to sell off customary land before it is planned. Such sales often take place outside of the legal structures. If legalized the process would provide an opportunity to levy taxes on such sales.
- The chiefs are responsible for the management of land under customary tenure systems. These processes are generally unwritten and without formal documentation. This makes it difficult to track decisions and gives right only at the discretion of the traditional leader.
- The absence of clear legislative arrangements on land administration between the Chief/Chieftainess and the Councils is also another challenge. This defeats the often controversial and delicate fusion of chiefs/chieftainesses into local administration. There is overwhelming evidence of the importance of chiefs or chieftainess and without strong partnership, each entity pursues its own line of interests without adequately involving the other and this often leads to conflict.
- In some instances, localities are divided between the Council and the Chief/Chieftainess, resulting in negative impact on the development of the district. Where such conflicts arise, the role and importance of local communities is often pushed to the side, curtailing the rights of community members. A top-down approach that involves chiefs and Councils negotiating, does not therefore always lead to desirable results. To respond to the challenges, some chiefs are setting up Chiefdom Development Trusts to manage land administration. In some cases, this may help regulate individual interests for the benefit of communities. In addition, through the Integrated Development Plan (IDP) process, Councils are mandated to work with chiefs to develop Local Area Plans (LAP), which can help to better plan land allocation within customary areas, while still keeping the land administration under the authority of traditional leaders.

GENDER EQUALITY AND WOMEN LAND RIGHTS IN ZAMBIA FACT SHEET

Gender refers to the socially constructed roles and responsibilities that society has assigned to women and men. These roles shape how women and men relate to one another. These roles and responsibilities are dynamic, specific to the culture of a particular society, and can change or evolve over time. Gender roles are deeply rooted in social values and norms. As a result, values, related rights, entitlements, and responsibilities tend to be gendered. This often results in women and men being valued differently and reinforces the idea that women are inferior and subordinate to men. This happens because of the power relations born out of the social construct. The socialization process assigns roles, creates beliefs, and sets the norms and entitlements. It apportions greater social, economic, and political power to men than women and restrictions of the same to women more than men. These differences between norms and entitlements manifest in discrimination or *gender inequality*, which is the societal and power differences that dictate unequal access to resources, claims, responsibilities, and decision making, among other areas.

Generally, Zambia's society can be described as patriarchal: consisting of male-dominated power structures throughout society and in individual relationships between women and men. Men traditionally hold positions of power and have more privileges: head of the family, leaders, bosses, and heads of institution. In a patriarchy, there is also a hierarchy among the men: elder men have power over the younger generations of men.

Attaining gender equality requires creating equal and fair opportunities for men and women so fairly benefit from developmental outcomes. In land, gender equality is attained when the social conditions for men and women (or girls and boys) are such that:

- Women and men experience balanced power, opportunities, rewards, prospects for realizing their land rights, and the potential to contribute to and benefit from the resource (socially, culturally, economically, and politically).
- There is absence of discrimination that is based on gender in access to rights and opportunities.
- Women and men enjoy the same rights and opportunities in land, including access to and control over land, participation in decision making around land.
- Different behaviors, aspirations, needs, and roles of women and men with regards to land are equally valued and favored.

THE ZAMBIAN LAW AND GENDER EQUALITY IN LAND ADMINISTRATION

The Constitution, which is the supreme law, provides for equality in land rights and property ownership and prohibits discrimination based on sex (Article 23) and the Zambia's land law recognizes the equal land ownership rights of women though it does not sufficiently address the challenges women face in realizing their land rights. The 2015 Gender Equity and Equality Act supports equality in land ownership (Gender Equity and Equality Act No. 22, 2015). In 2017, the Government of Zambia directed that women should be allocated 50 percent of available land. The 2021 National Land Policy likewise calls for 50 percent land allocation to women. The 2014 National Gender Policy provides for equitable distribution of land to women and men. The law also supports women's legal right to access, control and own land and property. Women can have land on title in their own name or men can secure titled land for their spouses or daughters. Alternatively, spouses can jointly own titled land or property. Children over 21, including both boys and girls, can also be included on the title. This can allow for the automatic transfer of land under leasehold title to children upon death of a parent.

TENURE SECURITY AND WOMEN'S LAND RIGHTS

Tenure insecurity disadvantages women in land access, control, and ownership. It also leaves them vulnerable to property grabs, displacements, disputes, and exclusion from economic development

opportunities. Women secure rights to land or property are linked to the enhanced status of women, higher productivity, greater family income, improved living conditions, better nutrition, improved health and education outcomes at the family level, better access to credit and income, and reduced risk of abuse, including GBV.

Ownership of land or property promotes dignity and creates pathways for women empowerment and economic opportunities. Secure land and property rights create incentives for investment in improving land and increasing its value. It provides an asset that can be leveraged for business activities and other enterprises. It also improves the status of women in the household and in society more broadly, giving them greater decision-making power and security in case of life-changing events.

Benefits of a gender responsive land allocation process:

- Increasing women's access to land improves household income, food security, and child nutrition.
- Securing stronger land rights for women increases productivity because women have an incentive to invest more in their land.
- Securing women's land rights enhances economic efficiency.
- Recognizing that women should have equal rights to land is necessary for creating a more just society.
- Equal land rights can empower women to fight for equality, dignity, and other economic rights (Adams, 2003).

BARRIERS TO WOMEN'S LAND RIGHTS

Land is the primary asset for both women and men in rural areas. Many households in Zambia are reliant on land for agricultural livelihoods. However, women, youth, and other vulnerable groups' access to, control over, and ownership of land is limited under both customary and state tenure systems. For instance, under customary land administration, women have limited participation in land allocation processes and most women access land through male relatives, i.e., their father, husband, brother, or son (Veit, 2012). Under state tenure, there are no mechanisms in place to help realize the gender equity provisions allocating 50 percent of land to women.

Social norms and practices restrict women's land rights and other vulnerable groups. Because they are often excluded from land administration processes, marginalized groups such as youths, women, especially widows and single women, are vulnerable to land grabbing and at risk of being overlooked. Access and ownership of land under customary tenure is dependent on kinship systems, i.e., matrilineal, and patrilineal arrangements (Hall et al., 2017). Even where customs have shifted to favor family units (e.g., in terms of property inheritance), customs often do not allow for control and ownership by women (Veit, 2012).

In some instances, **affordability** is also a challenge for vulnerable groups to access land. To obtain a piece of land, they need to pay a fee under state tenure systems, or homage to the Chief under customary tenure systems. Though small, these costs can be prohibitive for several women, youths and persons living with disabilities (PWD) who have less access to financial resources and social networks.

Women are prone to experience **property grabbing**. Though women are entitled to equal inheritance under the law, many women are still excluded from inheriting land due to prevailing social norms. As a result, in the event of divorce or death of a spouse, women are at great risk of land grabbing and forced eviction. Similarly, customary land is perceived as belonging to the clan or extended family. After a spouse's death, women are often expected to go back to their parent's village, and their husband's land is handed down to another family member. Some men fear that if they leave their land to their wife, they then remarry, their new husband will claim the land, causing tension among the extended family.

Land **tenure insecurity** and/or land pressure also increases vulnerability among most marginalized groups exposing groups like women to other forms of GBV, including domestic violence or intimate partner violence (IPV). GBV can also be used as a tool to control women's access to land and more broadly to maintain existing power dynamics. GBV is widely prevalent and tolerated in Zambia, a reflection of negative and deeply rooted cultural beliefs that see women as having lower value and status than men. One in two women (47 percent) believe GBV by a husband is justified (ZDHS, 2014).

Another limiting aspect is that of fear of **conflict**. Conflicts in land are common and women in some traditions are not allowed to represent themselves in mediation or arbitration in relation to land disputes. Instead, they must rely on a male relative, because women are not allowed to sit or speak in the presence of men.

The **lack of information** and low literacy levels among most women especially in rural areas is another factor that limit access to land. Women are either unable to access reliable information or when they do, they may not know what to do with it due to low levels of literacy. As a result, most women continue to be segregated against accessing land both in customary and state land.

HOW COUNCILS CAN PROMOTE INCLUSIVE LAND RIGHTS

Promoting inclusive and particularly women's land rights is an important part of Zambia's socio-economic development objectives. Councils can promote inclusive secure land and property rights by:

- Creating awareness of the rights of women, girls and other marginalized groups to own land and property.
- Creating awareness of the rights of women to inherit land under leasehold title following the death of their spouse.
- Facilitating land/property titling to individual women, youths and PWD to secure their legal rights to land/property owned or inherited.
- Encouraging joint titling of property to allow both marital partners to have their names on the certificate of title.
- Considering women and other vulnerable group's issues at every stage of the land administration process to ensure that both men and women, youths and people with disabilities are aware of their land rights and have equal opportunities to own land. Where necessary, targeted interventions can be used to increase opportunities for vulnerable women to own land/property. This can enhance the realization of an inclusive land rights and policy aspirations for Zambia.

To realize all these calls for deliberate effort and equity considerations for women to participate in the land administration processes and increase access and ownership of land. Putting in place mechanism for ensuring gender and social inclusion can result in increased secure rights for women and other vulnerable groups.

Land identification is the preliminary step in the land allocation process. It involves identifying available land (whether under state or customary tenure) and key steps a Local Authority should undertake to ensure effective stakeholder engagements, reduce, or avoid possible conflicts, and ensure social issues are effectively addressed.

THE PRACTICE – LAND IDENTIFICATION

The process of identifying land for development by the Council under leasehold tenure is triggered either by local civic leaders, local informants with knowledge about land availability, or through land audits where the Local Authority identifies unoccupied parcels through the land management system. In any case, officers from the Council conduct consultations, spatially mark areas of interest, and begin the process of designing layout plans.

If the area is settled or has people engaged in livelihood activities on it, the Council holds meetings with affected parties to pave way for area planning. In some instances, stakeholder compensation is required, either in the form of cash, a plot in the area being planned, or a plot on alternative land. Offers will depend on the legality of their claim (legal or illegal settlement), stakeholder bargaining as well as the suitability of the land for various development purposes. Gender equity and social implications should also be considered at this stage.

There are usually no formal written agreements between landholders and the Council, except in a few instances where a list of compensated individuals is recorded. The Council then proceeds to plan out the area and submit their report to the Planning Committee for approval.

Land identification is one of the key stages in the land administration process where all important factors must be profiled to allow for informed decision-making. Profiling social gender dynamics and socio-economic issues at this stage can help Councils be responsive to issues of inclusion. In Mumbwa for instance, one of the customary land areas identified for planning was initially settled. This required either displacement or compensation for those affected. The Council was aware of some of the issues they needed to address such as identifying who and how many people would be affected, the main economic activities undertaken in the area, and what form of compensation would be provided. This information was gathered through a stakeholder register which captured everyone who lived within the area. However, a detailed household analysis was not conducted to understand the impact this displacement would have on household food security (since most households depended on land for food production), how many women and youths were likely to be affected, and whether the proposed compensation would be adequate to address issues of tenure security, especially for women and youths.

DID YOU KNOW that...

The preparation of a Local Area Plan may be initiated by a community or a Ward Committee and can help manage development of the district or chiefdom?

The goal of the land identification process is to establish the context for the Planning Survey and identify potential issues, especially those that affect women and vulnerable groups. Equally important, the identification process identifies the required resources (personnel, finances, etc.) and tools that will be required for the Planning Survey (e.g., Global Positioning System or mobile based data collection applications, updated Land Database/Layout Plans, latest district imagery).

GAPS IN THE LAND IDENTIFICATION PROCESS

The following are some of the gaps in the land identification process:

- At policy level, the Acts and Statutory Instruments provide a framework for Councils to follow in the land administration processes, but both are silent on the process of land identification. Recommendations are not categorical on the requirements and guidelines to follow.
- The Administrative Circular No. 1 of 1985 recommends that verification of the availability of land should be done after approval of the layout plan by the Local Authority.

- The URP Act recognizes the report of the Planning Survey without providing supporting guidelines on the key steps to be followed in developing the survey report.
- None of the documents categorically highlight the inclusion of gender and social issues at this stage, yet women, youth, people with disabilities, and other vulnerable populations are likely to be among those most impacted once the plan is approved. The Lands Act prohibits unlawful occupation of vacant land but does not provide guidance on the remedial steps authorities can take if the land is occupied. This oversight can potentially lead to conflicts and derail development. For example, in the case of Mpika Council, the area was planned, plots numbered, and report submitted for formal allocation, but then faced challenges from local people that claimed ownership of the land in question and refused to leave. Some households who relied on subsistence agriculture and particularly female headed households complained that the proposed development would threaten their food security as plot sizes were proposed to be reduced.

DID YOU KNOW that...

A person shall not without lawful authority occupy or continue to occupy vacant land. Any person who occupies land in contravention is liable to be evicted?

BEST PRACTICE IN LAND IDENTIFICATION

Steps in identification of land for planning can vary and depending on the place and whether the land falls under customary or leasehold tenure, is privately owned or public (Council land), and other prevailing conditions. Whatever the case, the planning department should identify key factors to look for in an area being proposed for planning.

The following are some of the issues that should be identified ahead of planning, although the Council may adapt the checklist to suit specific circumstances and conditions in the area under consideration.

TABLE 3: KEY CONSIDERATIONS IN THE LAND IDENTIFICATION PROCESS

| ISSUE | KEY CONSIDERATIONS |
|------------------------------|--|
| Source of Information | <ul style="list-style-type: none"> • Capture details on the informant(s) or contact person(s) in case of follow up. Ensure their confidentiality is upheld unless they are comfortable disclosing their identity. • Cross check the credibility of the informant to avoid possible conflicts due to misinformation. • If information is retrieved from an existing layout or database, conduct a rigorous land availability check to confirm the area of interest has not previously been planned. |
| Reconnaissance Survey | <ul style="list-style-type: none"> • With approval from the Principal Officer, conduct a site visit to confirm the location of the area and identify the prevailing activities on and around the area, taking into consideration social and gender dynamics. • Identify prevailing current land uses – whether the land is vacant or being used for agriculture. Establish whether there are any settlements or other activities in the area, as well as population size. • Consider if the land is suitable for the proposed development. Assess whether it is located in an environmentally sensitive or restricted area, and what socio-economic activities are commonly conducted by men and women. • If the area is settled, identify local contact people (male and female), e.g., Area Councilor or village headperson who can organize future discussions. • Describe the predominant activities in surrounding areas. • Consider access to the administrative center. • Capture the coordinates for spatial referencing. |
| Land Availability | <ul style="list-style-type: none"> • Upload coordinates and check for land availability from the database or existing site plans. • Examine geospatial data – use the latest satellite imagery or Google engines. Also overlay old topographic images, district, and chiefdom boundary maps (if available). |

| | |
|-------------------|---|
| | <ul style="list-style-type: none"> Engage the Ministry of Lands Survey Department for verification of lands availability (The Ministry of Lands has a National Spatial Data Infrastructure (NSDI) system which can also be used to crosscheck preliminary land availability though this may not be up to date – www.maps.gov.zm). <ul style="list-style-type: none"> Confirm whether the area sits within customary or state land, and whether it is under leasehold tenure. <ul style="list-style-type: none"> Is it privately owned or public? Is it on title or not? Is it on a 14- or 99-year lease? Describe the zoning category – land use: agriculture, commercial, forest. |
| Validation | <ul style="list-style-type: none"> Depending on the outcome of the preliminary verification process, the Planning Officer should establish whether to: <ul style="list-style-type: none"> Proceed with the Planning Survey process – based on the findings in the preceding stage. Abort the planning process. |
| Feedback | <ul style="list-style-type: none"> Report to management with recommendations on next steps. Formally provide feedback to the stakeholders involved in the process on the findings from the verification process and the next steps to be undertaken. This creates transparency, trust, and confidence. |

Gathering relevant background information at the land identification stage should inform the planning team on the:

- Rightfulness of land – whether to proceed with the process or not and the implications of proceeding.
- Possible planning processes and assessments that will be involved and environment and social impacts – change of land use, conversion of tenure or planning agreement if the area falls under customary land, cancellation of title, etc.
- The type of data required to carry out the land suitability analysis.
- Type of stakeholders to engage in the process, depending on the land characteristics and the socio-economic issues – e.g., settlers that have developed structures on the land, farmers using the land for livelihoods, interest groups, traditional authorities, etc.
- Relevance of carrying out environmental and social impact assessments, as necessary/required.
- Methods of stakeholder/public consultation during the Planning Survey.
- Possible costs of the planning process for budgeting.
- Risks and assumptions.

This process, if well implemented, can drastically minimize the risk of conflicts, costs, and litigations on the part of the Council and enhance transparency and relationships as it ensures stakeholder engagement from the very initial stage. Unlike the IDP, the process of identifying land for development can be done at any time, as there is no legal requirement that the decision to prepare a Local Area Plan (LAP) should be subject to a Council resolution (the IDP sets out those areas where a LAP would be required). The absence of this requirement makes it easier for a community to request for the preparation of a LAP (Local Government Association of Zambia (LGAZ), 2016). However, this is premised on the assumption that all Local Authorities have developed their IDPs – as of 2022, only 10 Local Authorities have had approved IDPs by the Minister, an indication of gaps in some of the policy provisions.

DID YOU KNOW that...

There is no legal requirement that the decision to prepare a Local Area Plan is subject to a Council Resolution, as the IDP should set out those areas where a Local Area Plan is required?

ACTIONS FOR GENDER RESPONSIVE LAND IDENTIFICATION PROCESS

TABLE 4: GENDER RESPONSIVENESS IN THE LAND IDENTIFICATION PROCESS

| LAND ADMINISTRATION PROCESS | BEST PRACTICE | KEY RESOURCES (INTERNAL/ EXTERNAL) | RESPONSIBILITY |
|--|---|---|---|
| Identification of land for development | <ul style="list-style-type: none"> • Profile social economic issues by analyzing socio-economic activities by gender, taking into consideration prevailing social norms. • Ensure local contact people include men and women. | <ul style="list-style-type: none"> • Transport • Stationary • Mapping tools • Human resources, including a gender expert • Financial resources | Technical Working Group – Spearheaded by Planning |

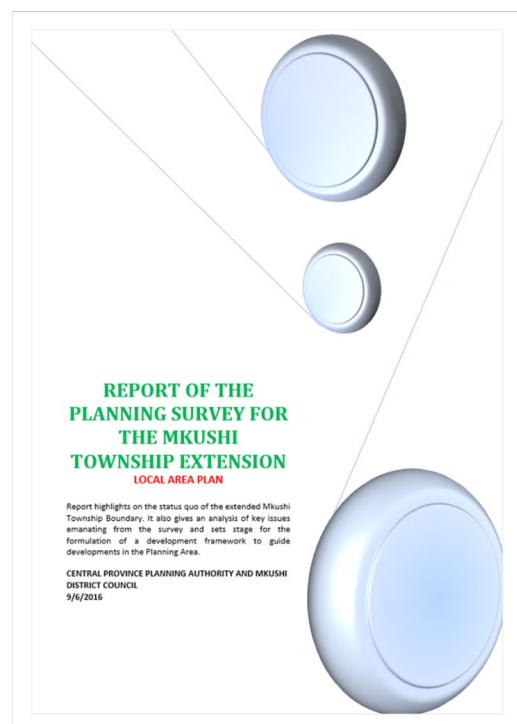
The Planning Survey and Issues Report (PSIR) is one of the integral components of the land allocation process as it helps the Council systematically identify and compile all issues in and around a planned development area. This step is part of all the land planning processes, such as Local Area Planning or Integrated Development Planning, as it provides standards and legal justifications for intervention to be undertaken, as well as follow up actions. A Planning Survey and Issues Report is required for both state and customary land, as it captures social issues and provides practical solutions through consultative and effective stakeholder engagements. Despite the process being government led (Council), it provides a platform for the public to participate in local economic development, air their views and concerns, hold institutions accountable and promote transparency. With this report, the public are equipped with the right information to understand and petition the district development activities and interventions.

THE PRACTICE – PLANNING SURVEY AND PUBLIC CONSULTATION

Planning survey provides adequate grounds for informed decision making to anyone involved in the land administration process. This process also captures crosscutting issues such as social inclusion, gender equality, environmental sustainability, and transparency, and help reduce risks of encountering land related disputes. The planning survey process is meant to capture relevant information about the area of interest ranging from social, economic, environmental, cultural, and political issues, and any other relevant information on key stakeholders.

The Planning Survey is guided by the Urban and Regional Planning (URP) Act No. 3 of 2015. The Act prescribes the following key considerations to be captured in the planning survey:

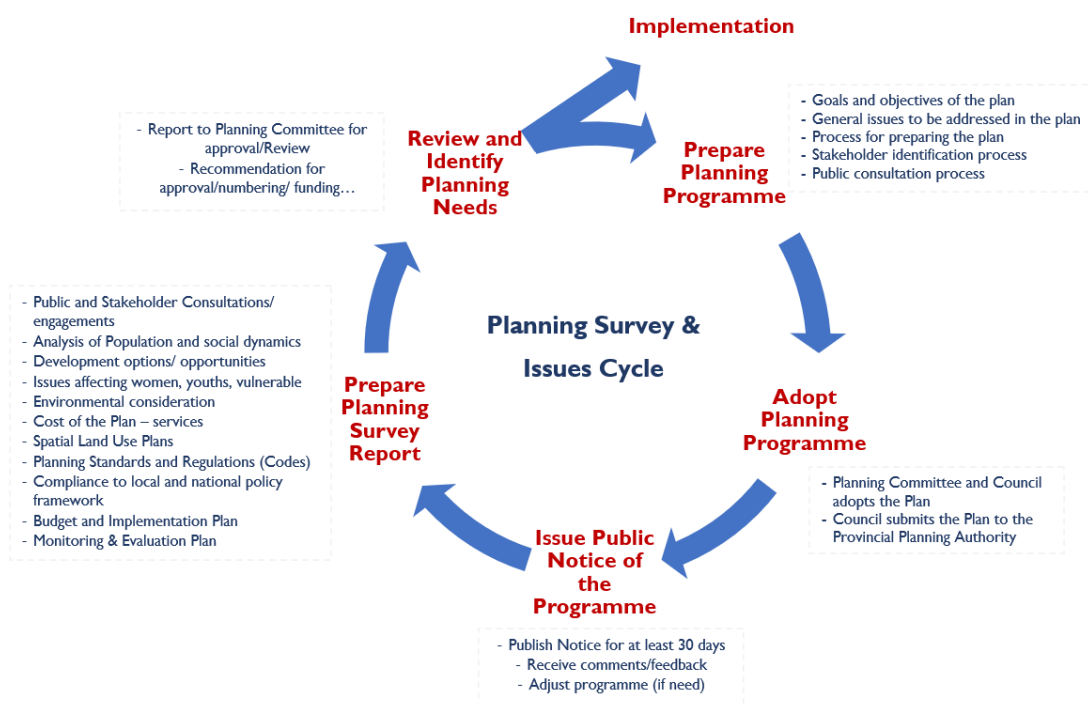
- Principal spatial and economic characteristics of the area and neighboring areas.
- Size, composition, and distribution of the population of the area.
- Communication, transport systems, and traffic in the area.
- Infrastructure in the area.
- An assessment of existing levels of development in the area.
- Identification of built-up areas, buildings, and other assets of cultural or historical value that need protection.
- The impacts of any changes that may affect development in the area, and any changes anticipated during the period covered by the plan as indicated by projected demographic changes and other factors.
- A description of the applied planning process.
- A description of the public consultation process.
- Key issues and priorities from the survey and analysis for the plan to address (GRZ, The Urban and Regional Planning Act No. 3, 2015).



As a part of the Local Area Planning, a planning survey is expected to abide by the principles of poverty alleviation, local community democracy, public participation, accountable governance, and all

other planning principles. These principles can only be achieved through an inclusive and participatory planning process, clearly defined in the Planning Survey.

FIGURE 5: PLANNING SURVEY AND ISSUES CYCLE



The planning survey process starts with the preparation of a planning program that identifies goals, objectives, and general issues to be addressed in the plan and sets out the process for preparing the plan, the stakeholder identification process, and the public consultation processes. The program also considers local language usage and the needs of women, youths, illiterate individuals, and vulnerable populations. If the identified land falls under customary tenure, the planning process includes consultations with traditional authorities and other stakeholders with an interest in the land.

DID YOU KNOW that...

It is a requirement in the URP Act, 2015 for the Local Authority to inform the public before it commences the process of developing a Local Area Plan?

Once recommended and adopted by the Planning Committee, the planning program is published in a local newspaper and displayed at the Local Authority offices. Any person can make a submission to the proposed planning program within 30 days of public notice. In addition, the local planning authority must inform the community (both men and women) about the adopted planning program.

A typical planning survey process follows the steps outlined in the planning program: stakeholder identification, engagement/consultation, and planning. The ultimate product from this process is the Planning Survey and Issues Report, with supporting graphs, layouts, and plans, which should outline how different issues have or will be addressed by the plan. The Planning Survey Report is submitted to the Planning Committee for consideration and approval.

GAPS IN PLANNING SURVEY PRACTICES

The planning survey process is often skipped by many Local Authorities in Zambia. Those that adopt a semblance of this activity do not necessarily follow the full steps prescribed, and the few activities that are undertaken are often done in a rush or in an unstructured manner and undocumented. A random check from the provincial planning authorities and evidence from selected Local Authorities themselves confirmed that this is one of the processes which is often skipped by Councils, despite it being a legal requirement (Senkwe, 2022).

The omission of this important step means the opportunity for identifying potential impacts on gender and social inclusion may be missed. It also heightens the risk of corruption, illegal activities, and information asymmetry, and increases bottlenecks in local revenue mobilization by Councils which can negatively impact service delivery. A study on land governance in Zambia observed that the lack of a clear communication strategy resulted in inadequate public participation and community awareness of development plans. In addition, communication methods such as posters, leaflets in local languages, road shows, and local radio programs remain inadequate (Mulolwa, 2016).

The other observed policy gap is that despite the Administrative Circular No. 1 of 1985 directing all Local Authorities to service areas planned for development before making recommendations to the Commissioner of Lands for an offer of lease, the directive is often not complied with. The process lacks effective stakeholder consultations. Councils often prepare plans in silos with little or no inputs from other stakeholders. Service providers such as those for water and sanitation, electricity, roads, health, and education, among others, who are key stakeholders are rarely brought on board during the planning survey stage. As a result, many plans are prepared and implemented without the participation of any service providers. This heightens problems such as ground water pollution, poor solid waste management, poor road and drainage systems, and encroachment into social amenity reserve areas.

In terms of public notice, methods used to provide public information are often ineffective, as they are not accessible to many in the community. The requirement to advertise in public media is often fulfilled but made the process of public participation more of an academic process which benefits the affluent section of society. This comes at the expense of enabling effective citizen participation in local governance issues and serves to exclude women and the poor who have limited access to information. Advertising the planning program in the media and other public notice boards using visual displays such as posters, leaflets, and road shows, (which may be more accessible) is a statutory requirement, it is often not done by the Councils (Mulolwa, 2016). Using the right channels to reach targeted audiences can enhance information sharing and improve public participation in land governance in the district and can be used as feedback platform as well for stakeholders.

BEST PRACTICE IN PLANNING SURVEY PROCESS

Paying more attention to the Planning Survey stage of the land administration process can enhance service delivery capacity of Local Authorities. The fact that few Councils confirm that they had done this step in the planning process, indicate that the relevance of the Planning Survey and Issues Report process is not well understood or is perceived as theoretical. Further, Local Authorities must develop a planning program for guiding stakeholder engagement for effective engagement of stakeholders in the process. The Planning Survey process should cover the following key aspects:

Developing Planning Program

- **Set the process objective:** Setting an objective for the process will help ensure effective inclusion, transparency, and stakeholder involvement in the planning process. A planning program is merely a work plan that defines the objectives of the process, proposed activities, resources required, and priorities to be addressed throughout the process.
- **Broader institutional involvement:** Involving all key departments and personnel from the start (planning, public relations, administration, socio-economic planner, community development, gender expert, personnel, finance, engineering/works). Developing a planning program should involve inputs from other resource personnel within the Council and other stakeholders. Each of the departments within the Council have a role to play in addressing stakeholder issues, hence must be part of the process from the initial stage. It is advisable to form a Technical Working Group of Officers drawn from each of the departments who are responsible for providing technical inputs to the planning process.
- **Ensure availability of all the required tools:** This includes updated land database/layout plans and the latest district imagery.

- **Checklist: Checklist:** Answer the questions on the seven *Ws* and one *H* checklist. The team should be able to answer most of the questions:
 - *Why* are we developing the plan? Identify the objectives and goals of the plan.
 - *What* will be done? Define key activities to address identified issues.
 - *What* will be needed? Identify the resources required to undertake each of the identified activities.
 - *When* will it be done? Attach dates and timeframes to each of the identified activities.
 - *Who* will do it? Identify roles and responsibilities for each of the stakeholders involved in the process.
 - *Who* is the target group? Define the audience, target, and interests.
 - *Where* will it be done? Define where each of the identified activities will be undertaken.
 - *How* will it be done? Define strategies/methods for executing identified activities, e.g., if stakeholder engagement is identified as one of the activities, the plan will define methods of engagement.

Adoption of the Planning Program

The planning program should be adopted by the Planning Committee and Council in accordance with provisions of the Local Government Act. This ensures that the Local Authority remains committed to the proposals and outlined activities. This step is particularly important as it promotes transparency and ensures that issues of gender equality and social inclusion are not glossed over but considered and protected under a Council resolution.

An approved planning program serves as one of the monitoring tools for tracking compliance levels of Local Authorities to social issues.

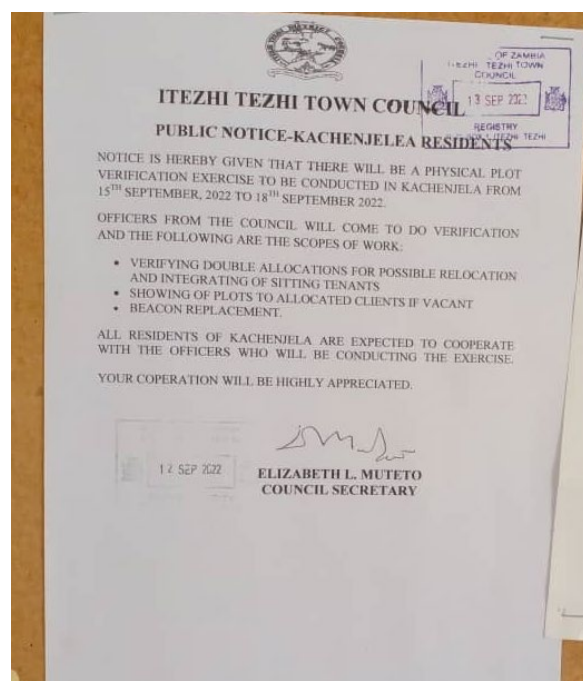
During the adoption meeting, the committee should ensure that the process has complied with all statutory provisions under the URP Act, Administrative Circular No. 1 of 1985, the 2021 National Lands Policy, and the Gender Equity and Equality Act. The committee should scrutinize the plan to ensure that sufficient attention is given to crosscutting issues of socio-economic impacts, gender equity and equality, environmental sustainability, transparency, and community participation.

Giving adequate attention to the obstacles faced by women, youths, and persons with disabilities at the initial planning stage is important to ensure a gender responsive and inclusive process.

Public Notice

Public notice is a key step in the land allocation process that should intentionally promote public participation in land governance. In addition to being a statutory obligation, public notice process can help to ensure citizen's participation in development being spearheaded by the Council. If the goal is to reach the widest population possible, the communication methods selected should be those that have the widest usership, paying special attention to accessibility for women, youth, and other vulnerable groups.

In Itezhi Tezhi for instance, the Council started the process of a land audit within the planned area in Kachenjela to verify and integrate settlers and resolve land related disputes. The Council adopted a highly participatory approach by conducting group meetings and one-on-one engagement. Public notices were placed on the Council notice board and within the community



where the exercise was being conducted. Announcements were also made on the local radio station to ensure the message reached everyone. The process resulted in effective cooperation from all stakeholders, who appreciated being involved in the district development processes and decision-making. One-on-one engagement in Itezhi Tezhi ensured flexibility in timing and privacy for stakeholders. It also improved the participation of both men and women, demonstrating the effectiveness of inclusive strategies.

Stakeholder Consultation

The PSIR is a compilation of a range of issues and development aspirations of different stakeholders. For the report to be representative and capture issues that affect everyone, the process demands effective planning and well thought out public participation methods and strategies. Both the planning tools and the consultation process should be sufficient to lead to a good outcome report. The objective for effective public consultation is to successfully target key stakeholders to be a part of the process and value for the outcomes of the land development planning process.

Tips for effective gender and social inclusion in the consultation process:

- Understand the roles and responsibilities of women and men when setting dates, considering various seasons (planting, harvesting, etc.).
- Understand women and men's daily schedules when setting the time.
- Consider convenience for all when selecting a location.
- Understand the social norms, power relations and literacy levels among and between participants when selecting meeting format.
- Understand priorities and resources when offering compensation.

Considerations should be made to ensure both women and men, youths and PWD are able to participate in the consultative process. For instance, when planning for consultative meetings, dates and times should be selected to allow for women's participation, considering childcare and household duties and time and mobility constraints for PWD. Holding a meeting at the Chief's palace or fancy hotel, for instance, may be intimidating for women and result in reluctance to share their honest views or express themselves. Venues located far from the majority in the community should be avoided, even if there are options for meeting costs or allowances. People with disabilities and women may not be able to attend meetings away from their residence due mobility and time constraints, so meetings should be held as close to people as possible.

Including a social and gender expert within the team is also key to the planning process. However, the planning team leader, as well as all other members of the committee, should equally be interested and have sufficient knowledge to ensure gender and social issues are effectively considered in the process.

Stakeholder Mapping

Effective consultation requires stakeholder mapping. Stakeholder mapping helps to identify individuals or groups with direct or indirect interests, and the level of influence they may have on a proposed development. However, caution must be exercised to avoid biases or prejudices in defining who is relevant (see Figure 7 in Appendix 1). For instance, in Mumbwa, the Council recognized that decisions on land administration had effect on sustainable wildlife management and therefore identified the Department of National Parks and Wildlife as one of the key stakeholders in land administration. Continued expansion of the township boundaries into customary areas to settle small-scale farmers, encroachment into the Mumbwa GMA became inevitable.

Following the stakeholder mapping, the Council should reach out to all interest groups and ensure participation. For instance, women doing farming activities in an area earmarked for development may have interest in the land but may be unable to influence or power to secure their interests. If stakeholders are identified early on, they have a better chance of being included in the consultation process and have an influence on the final plan.

Developing an engagement strategy is important as it helps to define stakeholder's views and to capture their submissions.

Planning Survey and Issues Report

A good Planning Survey and Issues Report should clearly demonstrate/address the following:

- Availability of land and the types of land use zones in the area.
- Planning standards and regulations which will guide plan implementation.
- Issues to be addressed for the different land use categories.
- Transparency and clarity for all stakeholders on their roles and responsibilities.
- How the area will be serviced, including costs and responsible parties.
- Implications of the different proposals and recommendations on the cost and accessibility of land, service provision, the environment, and future development of the area.
- Immediate, medium, and long-term costs and benefits which the proposal is likely to generate for the Local Authority and community stakeholders.
- Interests of residents, including impacts on their culture and way of life.
- Social and gender impacts, paying attention to issues of gender inequality and social exclusion and the required equity considerations to promote access to land and other services.
- Inherent risks and assumptions.
- All other critical issues that may have been omitted and could require further consultation.

Practical Experiences in the Planning Survey Process

Experiences from Mumbwa

- Public Notice: Since 2019, all Council adverts for plots encouraged women to apply for land.
- Adverts were usually placed in conspicuous places for wider coverage.
- Some adverts were aired on radio stations – for those that couldn't read but able to hear.
- Council did map and kept a database of key stakeholders for consultation.
- Under privileged groups were mobilized and kept report of issues affecting them.
- Council works and invited representatives from PWD in decision making activities.

Experiences from Chibombo

- Public Notice: Conducted announcements using megaphones in addition to public notices.
- Carried out consultation through local groups such as Ward Development Committees.
- Paid attention to women accessing land.

Additional Recommendations from Councils:

- Provision of standardised mode of public consultations.
- Application of affirmative action on gender and social inclusion.
- Ensure full policy compliance (50 percent land allocation to women).
- Translate adverts into local languages for ownership and inclusion.
- Use drama and publicity campaigns (to cater for differently abled)

(Recommendations were drawn from district perspectives during validation workshop, 2023)

ACTION FOR GENDER RESPONSIBLE PLANNING SURVEY AND ISSUES REPORT

An inclusive Planning Survey and Issues Report includes all issues to be addressed by the proposed development and this includes the socio-economic issues.

TABLE 5: SOCIAL AND GENDER RESPONSIVENESS IN PLANNING SURVEY AND ISSUES REPORT

| LAND ADMINISTRATION PROCESS | BEST PRACTICE | KEY RESOURCES (INTERNAL/EXTERNAL) | RESPONSIBILITY |
|-----------------------------------|--|--|---|
| Planning Survey and Issues Report | <ul style="list-style-type: none"> • Ensure effective inclusion, public notices should reach men, women, youths, and people with disabilities (PWD). • Stakeholder analysis targeting everyone, particularly women, youths, and PWD. • Employ gender and social inclusive and non-discriminatory communication strategies. • Profile needs and concerns of stakeholders, especially women, youths, PWD. • Develop plans and maps involving key stakeholders. • Scrutinize the plan to ensure sufficient attention is given to socio-economic impacts, gender equity and equality, social inclusion, environmental sustainability, transparency, and community participation. | <ul style="list-style-type: none"> • Transport • Stationary • Mapping tools • Human resources, including the gender expert. • Financial Resources | Technical Working Group – Spearheaded by Planning |

Layout Plan Preparation (LPP) is a process of developing maps and sketches using drafting and analysis tools (such as GIS, AutoCAD, Global Mapper, or Model Maker). These maps show the issues identified under the Planning Survey and Issues Report and how they can be addressed spatially. It is part of the consultation process that requires input and feedback from different stakeholders to ensure that outputs (maps) are representative of the goals and aspirations of the district integrated plan. Planning and layout plan preparation helps to mitigate the risks of land use conflicts, clearly depict the different types of land use zones available and how they relate to other uses.

THE PRACTICE – LAYOUT PLAN PREPARATION

The LPP is embedded within the Local Area Planning process and remains the responsibility of Local Planning Authority or Provincial Planning Authority if the Council in question is not the authority. The URP Act states that a LAP shall comply with guidelines issued by the Minister of Local Government and Rural Development on the preparation of local development plans and shall include, among other things, diagrams, illustrations and other graphical materials that the Planning Authority considers appropriate to explain or illustrate the plan (GRZ, 2015). Under the LAP guidelines, LPP should be

DID YOU KNOW that...

Councils are also required to plan and approve plans for agricultural development within their area?

one of the activities undertaken during stakeholder engagement and conceptual planning. The Land Administrative Circular No. 1 of 1985 recognizes the role of Councils in LPP and recommends that this should be done in close consultation with the Commissioner of Lands to verify the availability of land. Essentially, LPP involves developing drawings and sketches, for the proposed land use by using drafting and design tools such as geographical information systems (GIS) or AutoCAD.

GAPS IN LAYOUT PLAN PREPARATION

LPP is the most prominent activity in the land administration process in almost all Councils. However, due to a lack of guidelines, most Councils begin LPP without carrying out pre-requisite activities such as the PSIR. As a result, layout plans are often produced without sufficient community consultation, stakeholder engagement rushed or done in ad hoc manner or usually when conflict arises. Layout plans developed without stakeholder consultation tend to be difficult and costly to implement and often does not address the needs and aspirations of local people. It also leads to Local Authorities getting embroiled in land related disputes around encroachments on private land, traditional land, protected, and environmentally sensitive areas. Though dispute resolution channels exist, these mechanisms are not widely known by members of the public and are often not acquainted with the processes and procedures (Mulolwa, 2016).

Lack of planning standards and regulations also negatively affect the processes and outcome of LPP. For instance, several Councils revealed that they did not have a standard guide on the average size for plots, for instance for medium or low costs residential, industrial, commercial, education facilities, places of worship, small holdings among other uses. As an example, the establishment of a service station was also cited as a development that cannot be legally challenged under the URP Act where standards are not clearly prescribed.

BEST PRACTICE IN LAYOUT PLANNING PROCESS

As provided in the URP Act, a LPP should be developed through participatory approach. This promotes inclusiveness, transparency, and coordination in district development and most importantly, ensures enhanced local economic development. If well managed from the onset, the approach is effective. In Chipangali District for instance, stakeholders were involved in the layout planning process for the Mnu kwa Chiefdom, and they were allowed to develop conceptual maps that depicted how they would want to use their land. The maps were validated by the Chief and his advisors and

subsequently approved by the Chipangali Council to form part of the district's Integrated Development Plan.

Participatory approaches in Layout Planning include:

- Mapping and engaging all stakeholders at an early stage of the planning process.
- Providing adequate platforms for engagement ensuring social inclusivity and gender representation, information sharing, and feedback loops for stakeholders to be informed and air their views and concerns.
- Working with stakeholders in the planning process to ensure recommendations/solutions are developed for the identified issues.
- Considerations for the needs of stakeholders, balancing issues of viability, reasonableness, and sustainability.

At best, Councils should develop a whole spectrum of plans that can be used by different stakeholders to help them understand and interpret their situation or circumstances and allow for informed decisions. These plans may include boundary maps, infrastructure maps, topographic maps, and layout plans, among others (see Appendix 2). For instance, an elaborate land suitability map, that shows flood prone areas, can help households settled along riverbanks understand the risk and reasons why they are being asked to relocate to an alternative area.

DID YOU KNOW that...

A proposed Layout Plan with supporting narrations should be made available for public inspection during business hours by a Local Authority for a period of thirty days prior to adoption?

The process for LPP under customary land also follows a similar pattern of stakeholder engagement and consultations to ensure the interests of the local people are effectively addressed. This process is paramount if the plan is being done under a Planning Agreement (*further information on LPP on customary land can found in the Practice Note on the Process of Local Area Planning and Planning Agreements in Customary Land*).



Chief Mnkwa of Chipangali District and chiefdom advisors review the Mnkwa conceptual plan developed using participatory approach, 2021.

Women and other socially marginalized groups have limited access to information and channels through which to air their grievances; hence, gender and social inclusion during stakeholder engagement should not be ignored. Practical steps include developing workflows for officers and service providers and providing stakeholders with clear steps to follow when demanding a service such as land application, an application for planning permission, or feedback on land related issues (see *Appendix 1 on Strategies for Effective Stakeholder Mapping*).

ACTION FOR GENDER RESPONSIVE & INCLUSIVE LAYOUT PLAN PREPARATION

TABLE 6: GENDER RESPONSIVENESS IN LAYOUT PLAN PREPARATION

| LAND ADMINISTRATION PROCESS | BEST PRACTICE | KEY RESOURCES (INTERNAL/EXTERNAL) | RESPONSIBILITY |
|-----------------------------|---|--|---|
| Planning and Layout | <ul style="list-style-type: none"> • Develop layout plans using participatory approaches. • Develop plans and maps that can be interpreted by all stakeholders. • Consult stakeholders, ensuring women, youth, and PWD are part of the consultation process. | <ul style="list-style-type: none"> • Stationary • Mapping tools (e.g., GIS) • Financial resources | Technical Working Group – Spearheaded by Engineering and Survey |

Budgeting and Implementation Plan is the last component of the Planning Survey and Issues Report. It provides an outline of activities to be undertaken and estimated costs of implementation. The budget gives the cost of surveying plots, opening up roads and drainage to the parcels, providing water and sanitation services, and connecting electricity. Cost estimates are provided by service providers, hence need to fully engage them in the planning process and to share gender and social inclusion information with them.

THE PRACTICE – BUDGETING AND IMPLEMENTATION PLAN

At this stage, the team develops an implementation plan that guides how the different activities identified in the planning program will be implemented and the estimated timeframe. The plan includes roles and responsibilities of the players involved, the resources needed, and where the resources will be drawn from. It is important for stakeholders to understand the cost implications of servicing existing plots or providing services to newly opened up areas. A well-developed implementation plan can also be used to apply for Land Development Funds (as a source for external funding).

The implementation plan also includes a monitoring and evaluation mechanism to track how implementation of the different activities. Indicators on gender are often left out of the monitoring plan.

In line with the Urban and Regional Planning Act, the Planning Committee of the Council is required to adopt the proposed plan and recommend it for approval to the full Council (or Provincial Planning Authority if the Council is not a planning authority) after the incorporation of feedback from stakeholders. The same report is shared with the Provincial Planning Authority for onward submission to the Minister of Local Government. At this stage, most outstanding issues are considered to have been discussed and embedded in the Planning Report.

Once approved, the Planning Authority or Council submits the layout plans to the Commissioner of Lands for parcel numbering and further requests the Surveyor General to survey or authorize a private surveyor to survey the properties. Properties are beacons and survey diagrams are prepared by the Surveyor General's Office in accordance with the Land Survey Act 293 of 1960. This process is usually devoid of any public consultations as it is assumed land availability has already been confirmed and all issues have been addressed during land identification and planning survey stages. Ideally, plans should only be submitted after thorough engagement and consultation.

Servicing of properties is the final stage in the planning preparation process. The Land Administration Circular No. 1 of 1985 states that, "stands recommended for allocation to the Commissioner of Lands will be assumed to have been fully serviced and where such is not done, the responsible Local Authority shall give reasons for its inability to provide the necessary services before the recommendation can be considered." Services in this case may include access roads, water, sanitation, electricity, or other energy sources e.t.c. Adequate reservations for other community and public services such as open spaces, recreation, and kindergarten should be provided for, depending on the needs of the area and services that can be operated publicly, privately, or through public-private partnerships.

DID YOU KNOW that...

The Land Development Fund in the Ministry of Land and Natural Resources is a grant that can be accessed by any Council that wishes to develop newly opened areas?

Councils have an option to apply for external financing to develop an area if the private sector cannot provide resources, in line with Part III of the Lands Act No. 20 of 1995 that provides for the establishment of the Land Development Fund. This gives Councils alternative sources of revenue to pay for services. Other financing options or service provision models can be explored to help Councils provide services in newly opened up areas.

GAPS IN BUDGETING AND IMPLEMENTATION PLANNING

Though service provision is a statutory requirement, Councils often fail to provide services in areas earmarked for development before allocating to prospective developers. This is largely a planning gap and the high-cost implications in the provision of such services. Even in relatively bigger Councils such as Ndola, Kitwe, Mpika, and Mumbwa, the practice is often allocation of plots without the provision of basic services, except for beaconing. The cost of providing services tend to act as a barrier for plot access, particularly for women, youths, and other vulnerable groups. It becomes more complex in cases of upgrading or integration, where the Council must incorporate those already settled in the area. In such cases, the settled communities are provided with the option of paying huge amounts of money to continue to access their plots or being forced to vacate if they can't afford. As a compromise, Councils usually opt to provide un-serviced plots at lower cost to ensure affordability. On the other hand, securing funding for Councils is a challenge due to lack of clear implementation plans which can be used for resource mobilization and private sector investment.

The lack of effective stakeholder engagement and consultation at budgeting and implementation planning leads to information barriers for the public. Specifically, it limits insight into the challenges a Council faces around service provision in newly planned areas.

BEST PRACTICE IN BUDGETING AND IMPLEMENTATION PLANNING

Budgeting and Implementation Planning should be clear and systematic for ease of interpretation, making it possible for both funding partners and stakeholders to follow activities. Other service providers should also be able to identify their roles and responsibilities in the plan and at what stage their inputs would be needed.

In the absence of locally generated funds, alternative funding should be considered to provide basic services in their newly opened areas. For instance, Chasefu, Mumbwa, Pemba, Lupososhi, and Kasempa District Councils applied for funds from the Land Development Fund in the budgeting and planning process. The Councils filled out an application, detailing the planned activities, costs, and the timeframe for implementation.

If engaged in the budgeting, service providers can make realistic costs and include in the budget. Adequate planning and implementation plan also can help Councils to reduce the cost for citizens of accessing serviced plots by lobbying for subsidized funding modalities. This can result in enhanced revenue for the Council if plots are affordable to many citizens. The Monze District Council for instance, engaged Zambia Electrical Supply Corporation Limited (ZESCO) for the new area that was opened up in Golfview. The plan was shared with ZESCO and used to determine the number of poles and cables required to service the area. The consultation helped the Council to budget for the cost and allowed them to negotiate for a subsidized service tariff which was reasonably affordable (group scheme), compared to individual tariffs which are higher and not affordable to most of the residents.

ACTION FOR GENDER RESPONSIVE AND INCLUSIVE BUDGETING AND IMPLEMENTATION PLAN

TABLE 7: GENDER RESPONSIVENESS IN BUDGETING AND IMPLEMENTATION PLAN

| LAND ADMINISTRATION PROCESS | BEST PRACTICE | KEY RESOURCES (INTERNAL/EXTERNAL) | RESPONSIBILITY |
|-----------------------------------|--|--|---|
| Budgeting and Implementation Plan | <ul style="list-style-type: none"> • Develop clear implementation plans that are gender responsive and socially inclusive. These can be used to mobilize resources, but also address issues that affect stakeholders, including women, youths, and marginalized groups. • Develop a gender responsive budget for the plan. | <ul style="list-style-type: none"> • Stationary • Human Resource • Financial Resource | Technical Working Group – Spearheaded by Planning and Engineering |

The consolidated report on land identification, stakeholder mapping and engagement, LPP, and the Budgeting and Implementation Plan

constitute a complete set of sections that form the Planning Survey and Issues Report. The report can be inspected by stakeholders for comments and feedback before it is submitted to the Planning Committee of the Council for approval. Strategies for providing feedback to stakeholders should continue based on the stakeholder analysis to ensure issues that affect people or that they have interest in are addressed.

Land allocation involves activities undertaken by the Council after approval of the Planning Survey and Issues Report and numbering of serviced plots. Under this process, there is a lot of direct interaction between the Council and stakeholders. The land allocation process involves advertising, interviews, allocation, processing of land documents for title deeds (if land falls under state land) or conversion of tenure from customary to leasehold and planning permission. The process of land allocation highlights the efforts by Councils to address gender and social issues in practice, as well as all other issues contained in the Planning Survey and Issues Report.


FIGURE 6: LAND ALLOCATION PROCESS



The Practice – Advertising

Allocation of land is a very important process, intended to be inclusive and transparent. It is a requirement that all created properties are advertised to the public using appropriate media platforms. According to the Addendum Land Administration Circular No. 1 of 2015, the Principal Officer should ensure that the advert runs no less than three (3) times per week in the national print media before the deadline for receipt of applications on a specified Annexure Form.

Local Authorities often comply with this guideline. Generally, plots are advertised in newspapers for a specific period. For some Councils, e.g., Mumbwa District Council, additional channels such as local posts of adverts are employed to ensure broad reach of the public. However, most of the Councils do not specify on gender and social inclusivity in their adverts.



IKELENGE TOWN COUNCIL
PLOT ADVERTISEMENT


APPLICATION FOR PLOTS IN JIMBE BORDER -IKELENGE DISTRICT

Ikelenge Town Council wishes to invite applications from interested developers who may wish to develop various parcels of land at Jimbe Border Township, Jimbe Border Township in Ikelenge district is located at the border of Zambia and Angola on the North West.

Ikelenge district is strategically located to the Atlantic Ocean through Angola along the T5 road which has great potential to improve international trade with Angola. The proximity of the district to Angola and the Democratic Republic of Congo offers various potential investment opportunities in trade, hospitality industry, real estate, small & medium businesses, petroleum and construction.

Interested persons and organizations can obtain application forms from **Ikelenge Town Council Planning Department** by paying **non-refundable application fees** not later than 30th September, 2022. For those wishing to apply online, they can send proof of payment of non-refundable application fee to ikelengecouncil@yahoo.com and an application form will be sent to them. Fees are as follows:

| S/No | CATEGORY | SIZE | No. OF PLOTS | APPLICATION FEE (Non-refundable) | PREMIUM |
|------|--------------------|---------|--------------|----------------------------------|------------|
| 1. | High residential | 50 x 40 | 648 | K500.00 | K8,500.00 |
| | | 50 x 35 | 200 | | |
| | | 72 x 40 | 43 | | |
| 2. | Medium residential | 40 X 40 | 153 | K500.00 | K6,500.00 |
| 3. | Commercials | 50 x 20 | 53 | K800.00 | K10,000.00 |
| 4. | Special use | 4ha | 81 | K1,000.00 | K20,000.00 |
| 5. | Small holdings | 4ha | 50 | K1,000.00 | K20,000.00 |
| 6. | Place of worship | | 15 | K500.00 | K7,500.00 |
| 7. | Light Industrial | 1.8 ha | 30 | K1,500.00 | K30,000.00 |



SENGA HILL TOWN COUNCIL

APPLICATION FOR PLOTS

Senga Hill Town Council is inviting developers to apply for various Plots in its newly planned Chadaemba and Senga sites along Kasama – Mbala Road and Mbala Nakonde roads respectively shown in details below:-

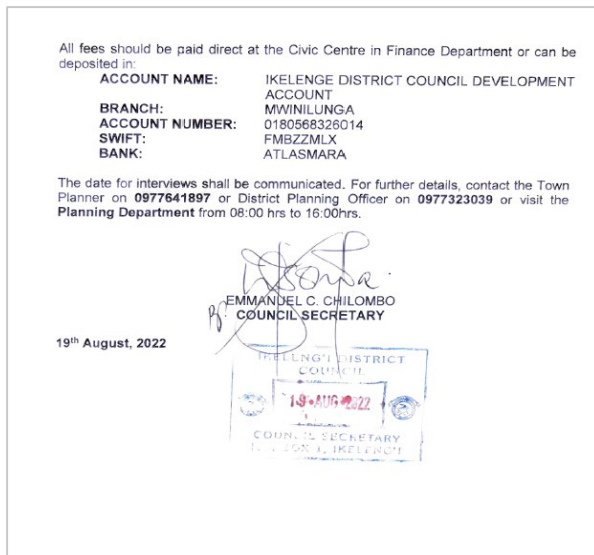
| S/N | LAND USE TYPE | Size (Approx.) | QTY | Application fee | Plot Premium |
|------------------------|----------------------|----------------|-----|-----------------|--------------|
| SENGA SITE | | | | | |
| 1. | SPECIAL USER | 100 * 150 | 5 | 650 | 30,000.00 |
| 2. | SERVICE STATION | 70 * 85 | 1 | 500 | 15,000.00 |
| 3. | COMMERCIAL | 12 * 25 | 101 | 350 | 8,500.00 |
| 4. | RESIDENTIAL HC | 40 * 50 | 200 | 300 | 5,500.00 |
| 5. | RESIDENTIAL MC | 25 * 35 | 100 | 200 | 5,000.00 |
| 6. | LODGE/GUEST HOUSES | 65 * 75 | 14 | 200 | 8,000.00 |
| 7. | PLACES OF WORSHIP | 50 * 75 | 4 | 300 | 5,000.00 |
| 8. | PRIMARY SCHOOL | 75 * 135 | 2 | 300 | 10,000.00 |
| 9. | NURSERY SCHOOL | 50 * 75 | 2 | 300 | 8,500.00 |
| CHANDAEMBA SITE | | | | | |
| 10. | 5 HA SMALL HOLDINGS | | 56 | 250 | 6,000.00 |
| 11. | 10 HA SMALL HOLDINGS | | 36 | 300 | 10,000.00 |
| 12. | FARMLAND 50 HECTARES | | 10 | 500 | 12,000.00 |

Requirements:

1. Payment of Non-refundable application fee for each plot category.
2. Capacity to develop within a statutory period of eighteen months.
3. All application fees to be made in full via Senga Hill Town Council District Fund Account # 080000421060, Cavemont Bank, Mbala.
4. The period for applications from 25/06/19 -15/08/19, thereafter applicants will be notified when to attend interviews.

For further details or clarification do not hesitate to visit the office of the District Planning Officer or call on the following numbers: +260 968606525 or +260 968461523

Greyson Sakala
COUNCIL SECRETARY



Placing adverts on plots in the print media is mandatory, though gender responsive advertising is deemed optional by many Councils.

The Practice – Interviews

Advertising is followed by an interview process and after, land allocation. According to the URP Act No 1 of 2015, the Planning Committee is responsible for all land related matters which includes interviewing and making recommendations to the Council for allocation of land. The Planning Committee is a standing

committee of the Council composed of elected Councilors, constituted in accordance with the Local Government Act No. 2 of 2019. On the other hand, the Land Administration Circular No. 1 of 1985 (Addendum) directs Councils to set up an Evaluation or Interview Committee upon receiving applications to evaluate and select suitable applicants for plots.

Guidelines further prescribe that the composition of the Ad Hoc Committee include other stakeholders such as the Anti-Corruption Commission to provide oversight, technical advice and increase transparency in the interview and evaluation process. The is complementary to the existing committee and is disbanded after the evaluation process. The circular also provides evaluation criteria for assessing the suitability of candidates for plot allocation. The evaluation report from the interviewing committee is submitted to the Council for approval and onward submission to the Commissioner of Lands for offer of lease.

A Council may establish standing and occasional committees consisting of a number of members that the Council may determine for the purpose of examining and reporting on any matter and of discharging any functions of the Council delegated to them under this Act.
 (Local Government Act No. 2, 2019)

Interviews are usually held at the Council on dates and times determined by the Council. Communication to inform individuals about the interviews is usually done through local adverts placed on the Council notice board. Sometimes applicants are informed through text messaging. Unfortunately, some applicants have complained that they have missed interviews because they did not receive notices or received late or failed to receive a notice at all.

The Practice – Selection and Land Allocation

The Ad Hoc Committee is responsible for interviewing each applicant using a prescribed selection criteria largely based on one’s demonstrated capacity to pay. The report of the Ad Hoc Committee, along with recommendations, is submitted to the Council by the Planning Committee as part of its report, which the Council reviews. At this stage, the Council has the discretion to defer or approve the recommendations of the Planning Committee, giving reasons for its decision. This becomes part of the Council resolution.

Upon approval, successful applicants are required to pay plot premium fees within a specified timeframe before recommendations can be made to the Commissioner of Lands. Those that fail to pay within the stated timeframe forfeit the offer and the plot is given to the next available applicant.

In instances of a first come first serve basis, the Ad Hoc Committee is not constituted since applicants are automatically offered a plot upon payment of the required plot premium fees without going through the interview process.

Most Councils countrywide successfully set up ad hoc evaluation committees to conduct interviews for land allocation and selection. However, limited attention is paid to the composition of these committees. The committees tend to be male dominated, which disadvantage women in terms of decision to who gets allocated land. Councils have limited influence to determine the representation of women among Councilors, hence can control and remedy male dominance in the formation of the ad-hoc evaluation committees, though this opportunity is rarely used. Councilors have the mandate to appoint up to six members to sit on the ad-hoc evaluation committee (Land Administration Circular No, 1 of 2015 -Addendum). The challenge begins with the composition of the Council itself. For instance, in 2022, only 140 of the 1,841, (or 8 percent) of Councilors countrywide were women, representing an average of 0.8 women per Council (ECZ, 2022). As a result, there are not enough women for one to serve on each of the required three standing committees per Council. In Mumbwa district, for instance, only three out of 21 Council members were women, with only one woman sitting on the Planning Committee. In Senga Hill, Monze, and Kapiri – Mposhi districts, they had no woman presentation on the Planning Committee.

The Practice – Offer of Lease and Title Processing

Interviewing/Evaluation Committee

Upon receipt of applications, an Evaluation/ Interviewing Committee shall be set by the Council to evaluate and select suitable applicants for the stands/plots. The composition of the committee shall be as follows:

1. Planning Committee
2. Director of Works
3. District Administrative Officer
4. District Agriculture Coordinating Officer
5. Police
6. Drug Enforcement Commission
7. Two members from Civil Society Organizations involved in land matters within the district.

The Commissioner of Lands reviews and approves or rejects recommendations submitted by the Council, citing reasons for the decision. Successful applicants are issued an Invitation to Treat/ Demand Notice and required to pay the prescribed land fees within 90 days before an offer letter can be issued. To get a title deed, the successful applicant is expected to process Survey Diagrams, which is also a separate cost. Notably, many successful applicants do not follow through with this process to obtain title deeds. The number of people in rural districts with title deeds is much lower than those in urban areas. This can be attributed to several factors, one of them being the information asymmetries between those in urban and rural areas. Information about

land rights is more readily available in urban areas, hence people are more likely to be aware of the benefits of obtaining a title deed. Similarly, the process is costly, both in terms of resources and time. The only two offices currently mandated to process leases are in Lusaka and Ndola. Those living far from one of these centers, the cost of transport and time to obtain a lease may not be deemed worthwhile. These factors are more pronounced for women applicants.

Failure to obtain title deed has several disadvantages:

- Local Authorities lose out on revenue since during valuation, the value of a property on title would be relatively higher than one not titled.
- Limits individual right of property ownership in the case of death or dispute.
- Owners may not derive other benefits that come with titled land – e.g., they cannot leverage land for financing from the bank.

The Practice – Planning Permission and Development Control

Successful applicants obtain planning permission in accordance with the URP Act. In places where a district council is not a planning authority, an applicant whose recommendation has been approved by the Commissioner of Lands is directed by a letter of offer to apply for and obtain planning permission from the relevant planning authority before a lease can be granted. Obtaining planning permission

ensures developers conform to the prescribed land use restrictions (zoning) and planning standards provided in the plan and offer of lease. Enforcement is done by the Local Authority and/or provincial planning authority to ensure compliance with standards and coordinated development. However, this process is often not followed by most of the Councils, resulting in haphazard development, encroachment, unregulated/uncoordinated land use. Unregulated development has potential to increase social ills and risks of GBV. For instance, there has been an increase in the number of lodges and drinking places, which are being patronized by underage girls exposing them to drugs and risks of sexual abuse.

DID YOU KNOW that...

A developer can get planning permission in customary land using customary land documents?

GAPS IN THE LAND ALLOCATION PROCESSES

Advertising

Though many Councils effectively comply with the statutory requirements for advertising in print media, the process tend to be mechanical and economically motivated by the desire to meet the immediate budgetary constraints of Local Authorities. There are instances where some Councils advertise plots, the public apply, but plots are not allocated, and no refunds are given to affected applicants. Instead, they are put on a waiting list and told to wait for the next allocation.

On gender and social considerations in adverts, the circular is silent. In some instances, Councils have used the 50 percent land allocation threshold to encourage women to apply. For instance, in Mumbwa District, the Council advert clearly indicated that women and youth are encouraged to apply. However, without follow on action the statement alone is less meaningful. Further, the circular does not compel Councils to use other channels of communication other than print media, to reach people which limits the level of engagement. The rural poor, especially women, have limited access to print media. This further excludes local people from participating in land governance and local economic development, and negatively impacts perceptions of local service delivery. The majority of those who are likely to see the printed adverts live outside the district and have greater financial resources to apply for plots.

Where women, youth and people with disabilities are able get the information and apply, they face other challenges in subsequent processes. For instance, the first come, first serve basis method (any applicant, that pays plot premium fees, ranging between K10,000 and K25,000, within a given timeframe gets the plot) and the requirement to pay a prescribed non-refundable fee, which ranges between K250 to K1,000 for residential plots and between K500 and K5,000 for other land use categories (these rates vary depending on the Council). This category of applicants may not likely meet these requirements within the stipulated 90 days' timeframe. As women often have limited control over financial resources, the cost is prohibitive for many and thereby lack the financial capacity to fairly compete with men in this process. The other application process practiced by some Councils is a one to three ratio, where three applications are reserved for every one plot available. Similarly, applicants are required to pay of a non-refundable fee to qualify for an interview and must compete with two other applicants regardless of gender and social status. After interviewing the candidates, the Council selects one candidate who is then required to pay the premium fee within the specified timeframe. If they fail to pay, they forfeit the plot and any application and interview fees paid. In some instances, a woman is selected, but the cost tends to still bar women fom proceeding with the process.

Interviews

The interview process is also subjective. Questions are open-ended and the scoring is unilateral. Evaluation is thus very dependent on the panelists selected. If not well managed, this process can be at risk of corruption and abuse. For instance, a prominent figure in the district is likely to be scored higher by the interview panel regardless of who they are competing against. Interviewers may collude prior to the interview and agree to score their preferred applicant higher to ensure a good score.

Selection and Land Allocation

The main evaluation criteria used to assess an applicant is the capacity to pay plot premium fees and develop the plot within 18 months. This is mainly determined by the availability of a bank statement. Some Councils however do consider other factors, such as place of residence and gender, though such factors are not highly rated. There also instances where Councils recognized and applied the 50 percent women land allocation threshold, including a clause in the advert and giving preference to women at the interview stage. However, when subjected to a set assessment criterion (income and capacity to pay within a short period), those in formal employment known to have financial muscle were favored. In some instances, women are used by relatives and friends to gain access to more land if affirmative action clause is applied to the selection criteria. When land is allocated in woman's name, ownership is later changed. It is difficult to identify illegal or abusive behavior in these cases, as it typically involves close relatives or friends.

The lack of flexibility in the payment period is a huge challenge for women and other vulnerable groups due to weak financial capacity (Adams,2023). This undermines the Council's' efforts to implement 50 percent land allocation to women. During the 2017 land allocation in Mumbwa for instance, 296 women out of 1,074 applicants (28 percent) were offered land, but only 88 (or 30 percent) of the 296 were able to pay the required fees within the given time frame (Estimates of Revenue and Expenditure, 2021)


Though the evaluation committee submits its report to the Council for approval (as guided by the recommendations of the committee), the Council may alter, defer, or reject part or all recommendations from the evaluation committee if they feel that the process was flawed or lacked ethical standards of good governance (e.g., evidence of corruption). Though such instances are rare, because evidence of corruption can be difficult to prove, particularly in the case of collusion. The introduction of external stakeholders such as Police, the Drug Enforcement Commission and other players in the ad hoc committee has increased attention to issues of corruption in the Councils. As a result, practices to reserve subsidized plots for themselves in Councils is now deemed an audit query. However, use of proxies or fronts is common practice though based on anecdotal evidence.

DID YOU KNOW that...

The local Council or Chief/Chieftainess cannot allocate more than 250 hectares (ha) of land to a single developer?

Successful applicants are required to pay prescribed non-refundable land premium fees within 90 days of allocation. Failure to do so results in loss of the land, especially in urban towns (Lusaka, Copperbelt provinces) where demand for land is high. Upon successful payment, the Principal Officer submits the recommendations to the Commissioner of Lands and sends a copy to the recommended applicant. For some Councils, though not all, the recommended names are printed in the public print media as a measure of transparency.

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NDOLA CITY COUNCIL
LEGAL SERVICES DEPARTMENT
DEMAND NOTICE

NAME OF APPLICANT: PETER CHANDA MWANGE
NRC NUMBER: 262909/64/1 DATE: 06/08/2019
LAND RESERVATION: RESIDENTIAL HIGH COST

This document serves as formal written demand for immediate payment in full of the fees outlined to be deposited in A/C NO. 0049298700525 ZAMBIA NATIONAL COMMERCIAL BANK (ZANACO) NDOLA BUSINESS CENTRE:

| Item No. | Details | Debt Amount (K) | Amount Due (K) |
|----------|--------------|-----------------|----------------|
| 1 | PLOT PREMIUM | | 25,570.00 |

TOTAL AMOUNT: K25,570.00

Applicant is advised to adhere to the following terms and conditions;


- A successful applicant is required to pay service charge fee indicated above in full within thirty (30) days from date of generation of this demand notice, failure to which it will be cancelled and the property will be made available for re-offering to other applicants.
- Upon effecting payment on the above, a stand number shall be allocated to you and subsequent recommendation to the Commissioner of Lands for a formal Offer with the Ministry of Lands, Natural Resources and Environmental Protection.
- Applicant is further required to pay survey fees at Ministry of Lands, Natural Resources and Environmental Protection.
- At this stage, the property can neither be sold nor exchange hands as this is a mere quotation only for the purposes of making payments. A property can only exchange hands once Certificate of Title is obtained.

NOTE: The Council will not accept part payment for these fees.

I, Peter Chanda Mwange do hereby confirm that I have read, understood and accepted the above terms and conditions of this demand notice.

Dated this 06/08/2019 day of August, 2019.

Signature


REPUBLIC OF ZAMBIA
Ministry of Lands, Natural Resources and Environmental Protection
INVITATION TO TREAT


Demand Notice No: DN_2675896 Date printed: Thursday, April 23, 2020
Property number: NDOLA/LN_1000001577728
PROPERTY OWNER: MOSES NKHUMBU SIMBEYE
Land use: RESIDENTIAL HIGH COST

| Item No. | Details | Debt amount (K) | Last amount paid (K) | Amount due (K) |
|----------|---------------------------|-----------------|----------------------|----------------|
| 1 | ANNUAL GROUND RENT - 2020 | 249.98 | 0.00 | 249.98 |
| 2 | PREPARATION FEE | 166.20 | 0.00 | 166.20 |
| 3 | REGISTRATION FEE | 333.60 | 0.00 | 333.60 |
| 4 | CONSIDERATION FEE | 5,000.00 | 0.00 | 5,000.00 |

Total Amount (K): 5,749.78

NOTE:

- You are requested to pay the total amount indicated above within 90 days from the date of this invitation, failure to which this invitation to treat will be cancelled and the property will be made available for re-offering to other applicants.
- At this stage, the property can neither be sold nor exchange hands. Please take note that a property can only exchange hands once Certificate of Title is obtained.
- Upon effecting payment on the above, a formal Offer Letter shall be generated and issued to you by Lands Department.



Produced by ZILMIS system (Mutende Mukumbwa) Page 1 of 1

Offer Of Lease and Title Processing

If successful at the Council level, the individual then continues the process with the Office of the Commissioner of Lands. Other than the cost of land fees, which range from Zambia kwacha (K) 4,000 to K 10,000, and the survey fees, which range from K 3,500 to K 50,000 (depending on the size, zoning, and location of the plot), individuals also are required to pay other hidden costs such as transport and lodging. Studies attribute insecurity of land ownership in Zambia to the cost of survey and lease registration, over-centralized services, inefficient land administration, rent-seeking officials, a lack of transparency, and a lack of information about the law and regulations (Mulolwa, 2016).

Processing of title deeds is centralized, currently only available in Lusaka and Ndola, who service all the 116 district Councils countrywide. These logistical challenges make it difficult for people to secure their land rights through a 99-year lease. These barriers impact women, and other marginalized groups more as they lack the financial resources to meet the associated titling costs. In the long term, decentralizing title deed processing to Provincial Offices could significantly reduce the cost and bring about efficiencies in land administration. Decentralization could also strengthen collaboration between Ministry of Lands, Planning Authorities, and Councils, as it can enhance information sharing between various stakeholders involved in land administration.

BEST PRACTICE IN ADVERTISING, INTERVIEWS, AND LAND ALLOCATION

Challenges in the land allocation process can be minimized by enhancing transparency. This means ensuring that the public is adequately informed about the process, and everyone has fair opportunity to apply and be allocated land. It is important to ensure that the public is informed about the policy requirement for 50 percent of available plots to be allocated to women, along with considerations for youth and PWD, and that these pronouncements are backed up by further action in the follow-on processes. Targeted messaging in the advertising process has proven effective to ensure information has wider reach. Equally important is messaging in local languages and use of community radios, fliers, and posters, especially in places frequented by women such as churches, markets, and health facilities. These methods of advertising are cheaper than conventional methods and more effective in reaching marginalized sections of society. The most efficient outreach strategies may vary from one district to

another, hence the need to ensure stakeholder analysis is thoroughly conducted at the initial stage of the planning process (see Stakeholder Mapping in Appendix I).

At the application, interview, and allocation stages, Councils have an opportunity to take several practical steps to increase transparency, minimize collusion, and promote inclusion. The following are some of the actions that can be taken:

Transparency

- Ensure that interviews and subsequent scoring are conducted in a transparent and objective manner to reduce the risk of corruption and favoritism. Objectivity in this case means that the panel ask applicants the same list of structured questions and that scoring is based on key variables, including social status, residency, individual attributes, and economic status. Scores should be weighted so that scores for social status are higher for vulnerable populations and lower for those who already own several properties (e.g., using the STAR technique) (Vawizard, 2022). The selection is then based on obtaining a certain percentage from each category. Percentages can be set by the Council, based on cost and fee structure. This approach can help Councils strike a balance between raising revenue and promoting good governance and social justice, ensuring that all categories of people have a fair chance to access land.
- Sensitize developers and the public about the requirements and processes for accessing land. This should include information on the benefits of following specific processes, such as obtaining planning permission before constructing or settling on the offered land. Many people do not know the value of adhering to the requirements and end up becoming victims of corruption or lose out on potential benefits. For example, women, children, and vulnerable populations make up the majority of those who are evicted from illegal settlements. They often lack information about the dangers of settling illegally.
- Local structures such as Institutional Integrity Committees can sensitize the Ad – Hoc or Evaluation Committee to help them understand their roles and responsibilities prior, during, and after the evaluation process to ensure they adhere to principles of integrity and transparency.
- Develop service charters on various Council processes and procedures and ensure this information is effectively publicized to the public. Corruption becomes rife when the public has limited information and is not aware of their rights or the mandate of the Council to serve.

Inclusion

- Aim to implement the National Land Policy requirement of 50 percent land allocation to women and 20 percent to youths with consideration for PWD. This can be done by setting quotas, simplifying forms, and setting a flexible payment criterion for applicants. Practices such as “*first come, first serve*” in land allocation should not be abused to disadvantage the marginalized groups but can be varied or consider other flexible payment arrangements that would allow those with limited resources to mobilize funds to pay the required fees over a given period. However, such arrangements should be employed on a case-by-case basis to ensure Councils are not constrained in their revenue mobilization strategies and fail to provide services to the public.
- Councils should also consider identifying and zoning areas specifically for low-income earners with specific consideration to ensure the vulnerable are effectively catered for. For instance, Ndola District Council placed an area under Habitat for Humanity specifically zoned for the marginalized persons to access plots and develop houses using local but standard materials.
- Councils can work out economically viable amortization packages for women, youths, and PWD. Most applicants in the vulnerable or marginalized category fail to access land because payments are usually demanded in lumpsums when most of those excluded earn their income in periodic, small amounts – daily, weekly, or monthly.

- Adverts for new parcels should clearly have statements encouraging women, youth, and PWD to apply. Notably, this practice is used in some Councils across the country but not all.
- The standard application form should indicate sex, age, and disability status.
- In the selection process, fair criteria should be set to achieve 50 percent allocation for women, as well as equitable consideration for the youths and PWD.
- A database should be created to track all land applicants, including information on sex, age, and disability needs.
- Gender and social inclusion indicators should be included in work plans and annual targets and be made part of the land audit process to encourage practical adherence to gender-responsive and inclusive land allocation processes.
- Capacity building should be provided to the planning committee on gender-responsive and inclusive land administration, with particular focus on the land allocation process.
- Compliance with policy provisions and gender inclusion tenets should be considered in applications for government support, such as Land Development Funds. This will encourage Councils to become proactive in attending to gender and socially inclusion.

Flexible Payment Concept

Once an applicant is awarded a plot, they are required to pay a K 500 application and a K 25,000 plot premium fee within 60 days or less. This translates to raising K 472.22 per day, or K 12,750 per month. This may not be feasible for the majority applicants in the vulnerable/marginalised group.

Alternatively, under a 12 month payment plan for the same application and plot fees, an applicant would need to raise K80 per day, or K2, 400 per month. These amounts could be relatively feasible for an average applicant to meet. If the Council had 30 applicants for similar plots, it would raise K72, 000 per month for the next 12 months. These resources can be channelled towards routine expenses like fuel for solid waste management and streetlights, among others.

ACTION FOR GENDER RESPONSIVE AND INCLUSIVE LAND ALLOCATION

A transparent gender and socially inclusive land allocation process offers flexible and affordable methods to secure land rights.

TABLE 8: GENDER RESPONSIVENESS AND INCLUSIVENESS IN LAND ALLOCATION

| LAND ADMINISTRATION PROCESS | BEST PRACTICE | KEY RESOURCES (INTERNAL/EXTERNAL) | RESPONSIBILITY |
|-----------------------------|--|---|---|
| Advertising | <ul style="list-style-type: none"> • Display Maps/Layout plans for proposed areas being advertised. • Include translated adverts in local language. • Develop fliers and posters for targeted advertising. • Decentralize the advertising process by use of localized communication channels such as local churches, clinics, schools. • Use oral and visual communication tools (drama). • Work with local leaders as champions to create awareness and share knowledge e.g., Councilors. • Adverts should have all relevant information (elaborate) such as number of plots available and how many reserved for women; costs involved including survey fees. • Adverts should run for at least 14 days to give everyone chance to apply – unless number of applications surpass the available plots. • Include 50 percent land allocation for women and encourage women and other marginalized groups to apply. | <ul style="list-style-type: none"> • A3/A1 Physical Maps (Land Use Plan and Approved Numbered Layout) • Planning Survey and Issues Report • Transport • Finances for adverts | <ul style="list-style-type: none"> • Technical Working Group - spearheaded by Public Relations • Local Stakeholders – for awareness creation |
| Land Application Process | <ul style="list-style-type: none"> • Create a disaggregated database with age, sex, PWD as key columns for capturing applicants. Include such information, where it could be missing at application stage. • Separate application forms dedicated to 50 percent women applicants, 20 percent youths and other marginalized groups. • Identify a dedicated office for receiving applications and capturing information in the database (support desk). • Provide support to women or any other that would need support. • Allow for staggered payment methods and use different payment platforms like mobile money. • Consider alternative supporting documents to bank statements, such as letters of recommendations from local leaders like school headteachers, chiefs/headpersons, clergy, and village banking groups, or mobile money or other assets. | <ul style="list-style-type: none"> • A3/A1 Physical Maps (Land Use Plan and Approved Numbered Layout) • Planning Survey and Issues Report • Stationary • Database • Finances | <ul style="list-style-type: none"> • Technical Working Group – Spearheaded by Legal/Planning • Finance and Administration, Social/Gender Expert |

| LAND ADMINISTRATION PROCESS | BEST PRACTICE | KEY RESOURCES (INTERNAL/EXTERNAL) | RESPONSIBILITY |
|---|--|---|---|
| Interviews/ Allocation | <ul style="list-style-type: none"> • Include at least 40 percent or more of female/youth/PWD representatives on the evaluation committee (interview committee). • Set fair structured and objective criteria for applicant assessment, • Consider other evaluation criteria other than the bank statement. • Conduct interviews in the applicant’s preferred language. • Always have an interpreter at hand in case of applicants who are speech impaired – use local expertise from other line ministries such as Social Welfare. | <ul style="list-style-type: none"> • Planning Survey and Issues Report • A3/A1 Physical Maps (Land Use Plan and Approved Numbered Layout) • Stationary • Financial resources • Human | <ul style="list-style-type: none"> • Evaluation Committee – Spearheaded by Planning/Legal • Other internal staff including Social/Gender Expert |
| Offer of Lease | <ul style="list-style-type: none"> • Assign a dedicated contact person(s) for approved clients to provide support (support desk). • Offer flexible payment plans for different categories of applicants – vulnerable women and youth can have longer payment plans. • Allow for other payment options – mobile money. • Provide support for bulk lodging and follow up on the recommendations with the Commissioner of Lands. • Consider bulk survey of plots/stands and recover costs in the long run to cushion burden on clients paying fees all at once. • Update land database periodically. | <ul style="list-style-type: none"> • Database • Payment platforms • Maps and Layout Plans • Financial • Human | <ul style="list-style-type: none"> • Technical Working Group – Headed by Planning/Legal • Finance • Administration |
| Planning Permission and Development Control | <ul style="list-style-type: none"> • Develop service charters for public awareness of services. • Develop fliers, posters, and social media posts guiding the public on different procedures in land administration – target women with tailored messaging. • Assign a dedicated office for support (support desk). • Constantly update the database to reflect status developments and payments. • Hold random and accessible public engagement meetings to discuss land administration. • Work with chiefs to demystify myths and misconceptions about ownership of customary land especially for women. • Create and update land allocations under customary areas. • Sensitize the public on how to access customary land. | <ul style="list-style-type: none"> • Database • Maps and Layout Plans • Transport • Financial • Human | <ul style="list-style-type: none"> • Technical Working Group – Spearheaded by Planning • Legal • Engineering/Works |

| LAND ADMINISTRATION PROCESS | BEST PRACTICE | KEY RESOURCES (INTERNAL/EXTERNAL) | RESPONSIBILITY |
|-----------------------------|---|---|--|
| Monitoring and Evaluation | <ul style="list-style-type: none"> • Review targets, milestones, and strategies periodically – utmost for 2 years. • Take remedial action. • Prepare routine reports for sharing with stakeholders – District Development Committee, Council, etc. | <ul style="list-style-type: none"> • Monitoring and Evaluation Plan • Transport • Financial • Human | <ul style="list-style-type: none"> • Technical Working Group – Planning |

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APPENDIX I: TYPES OF PLANS IN LAYOUT PLANNING

TABLE 9: TYPES OF PLANS IN LAYOUT PLANNING

| PLAN TYPE | PURPOSE/RELEVANCE |
|---|--|
| Land Boundary Maps | Shows the extent of the planning boundaries of the area. |
| Infrastructure and Settlement Maps | Depicts existing infrastructure and/or other developments in the area (if any) which should either be incorporated or may require compensation. |
| Terrain/Topographic maps | Shows the natural drainage systems in the area to inform how services such as water, sewage, storm water drains, etc. can be apportioned cost effectively. |
| Land Suitability Maps | Identifies different types of land characteristics which can inform ideal land uses. |
| Conceptual Plans | Developed with inputs from stakeholders to demonstrate figurative development options. |
| Land Use Plans | Depicts different zoning/land use types in a given area with their descriptions and standard color codes. |
| Layout Plan | General plans showing parcels. This is usually a working drawing which is submitted to the Commissioner of Lands for numbering. |

STATE LAND APPLICATION FORM



Attach 2
Passport Size
Photos

ANNEXURE 'A'
Government of the Republic of Zambia
LANDS DEPARTMENT

Application for Residential/Commercial/Industrial/Special User Stand in the..... Council Area (To be completed in duplicate and both copies submitted to the Council Secretary,.....District Council)

1. First choice: Stand No.....Town.....
2. Other choices: Stand No.....
3. If more than one stand is required because of the scale of the proposed development give details here
.....
4. If the area applied for is not numbered, provided four copies of the approved layout plan.

A. APPLICATIONS BY INDIVIDUALS

1. Name (in block letters).....Sex:.....
Joint Owner(s).....Sex...../.....
2. Phone/Cell No.....
3. Email Address:.....
4. Postal Address:.....
5. Age.....
6. Nationality.....
7. National Registration Card Number.....
8. Date and Place of Issue.....
9. Residence in Zambia (non-Zambians) from.....
10. Passport No.(Non-Zambians).....
11. Date and Place of Issue.....
12. The name of the mortgagees.....
13. If you do not intend to borrow, state your sources of income with which to finance development (Provide evidence).....
14. Occupation.....
15. Full description of type of development proposed on the stand applied for.....
.....
16. Will the proposed building be owner occupied.....
17. Estimated cost of proposed developed:
18. Particulars of Land owned by or leased to applicant or husband/wife of applicant.

Insert:
i. Disability Status

| Property | Stand No. | User Clause | District | Term of Lease |
|----------|-----------|-------------|----------|---------------|
| | | | | |
| | | | | |
| | | | | |



ANNEXURE 'A'
Government of the Republic of Zambia
LANDS DEPARTMENT

B. APPLICATIONS BY COMPANIES AND ORGANISATIONS

1. Name.....
2. Address.....
3. Is the company incorporated or organization registered under Zambian Laws?
.....
4. Is the company or organization legally competent to hold land in Zambia?
5. Issued and paid up capital: K.....
6. Name, usual country of residence and shareholders, trustees etc.

(i)
(ii)
(iii)
(iv)
(v)
7. Full description of type of development proposed on stands applied for.....
.....
.....
8. Particulars of land owned by or leased to company or organization.

| Property | Stand No. | User Clause | District | Term of Lease |
|----------|-----------|-------------|----------|---------------|
| | | | | |
| | | | | |
| | | | | |
9. Estimated cost of proposed development: K.....
10. Do you intend to sell or let the completed development?
11. If yes, have you a purchase/tenant in mind?

D. STATUTORY DECLARATION

I do solemnly and sincerely declare that the particulars given in this application form are true and correct and that I have not withheld any information which might affect my application AND I make solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act, 1835.

Signature of applicant

E. FOR USE BY THE COUNCIL

1. The application under A/B is recommended for the following reasons:

.....
.....
.....

2. The application under A/B is not recommended for the following reasons:

.....
.....
.....

CERTIFICATE

I hereby certify that this application was approved by the full Council under Minute on the



.....
TOWN CLERK/COUNCIL SECRETARY

CUSTOMARY LAND APPLICATION FORM

FORM I

(Regulation 1)

**APPLICATION FORM FOR CONVERSION OF CUSTOMARY TENURE INTO
LEASEHOLD TENURE**

Particulars of Applicant

Name:

Insert:
ii. Sex of Applicant
iii. Age
iv. Disability Status

1. Postal and physical address:

2. Location of Land:

3. Size of the Land and plan No.:

4. Declaration of Rights:

Insert:
v. Contact Number

(a) For my family have had the right to use and occupation of the land shown on the plan for a period of Years.

(b) I am entitled to or my family is entitled to (delete as appropriate), the benefits to the land and I am not aware of any other person's right to use or, occupation of the land or part of the land except:

And granting leasehold to me will not affect these rights.

Signed: **Date:**

The Layout Plan MUST have coordinates in compatible format for ease of integrating the Plan into the Council District (Customary) Land Database

Note:

- (i) If in occupation for less than five years, describe how the use and occupation of the land begun, by stating the name of the Chief or Headman who gave you permission to occupy and use the land.
- (ii) Prove that the use and occupation of the land is exclusive, by describing the use that the land has been put to;
- (iii) Please attach six layout plans of the land in issue to this Form.

FORM II

(Regulation 2)

**APPROVAL OF THE CHIEF OF AN APPLICATION FOR CONVERSION OF
CUSTOMARY TENURE INTO LEASEHOLD TENURE**

I, (Chief) of.....
(village) confirm and certify that-

1. I have caused the right to use and occupation of
(property number) by..... (the applicant to
be investigated and the investigation has revealed that the applicant or his/her family has
for the last Years been in occupation of the land
described in the plan to which plan I have appended my signature.
2. I am not aware of any other right(s), personal or communal, to the use and occupation of
the land or any other part of the land, except that these rights have always been enjoyed
by the community and shall not affect the right of applicant to the use and occupation of
the land.
3. I have caused the consultation to be made with members of the community
4. As a result of the consultation and the information made available to me I hereby
give/refuse my approval for the said land to be converted into leasehold tenure.

Signed: **Date:**

FORM III

(Regulation 3)

**APPROVAL OF THE LOCAL AUTHORITY FOR THE CONVERSION OF
CUSTOMARY TENURE INTO LEASEHOLD TENURE**

1. I,, in my capacity as Council Secretary of District Council confirm and state that (property Number) the land to be converted from customary tenure into leasehold by the applicant (Name of applicant) falls within the boundaries ofDistrict Council.

AND THAT the said(property numbers) falls within the Jurisdiction of Chief The approval/refusal of the Chief for the land to be converted from customary tenure to leasehold is herewith attached.

2. The applicant (Name) has occupied and has had the rights to the use and occupation of the land for a continuous period of Years.

3. I am not aware of any other rights personal or communal to the use and occupation of the land or any part of the land.

4. As a result of the information available to me, I hereby give/refuse my approval for the said land to be converted into leasehold tenure.

Signed: **Date:**

SAMPLE OF A STANDARD PLOT ADVERT

COUNCIL LOGO

PUBLIC NOTICE

INVITATION FOR APPLICATION FOR PLOTS

.....ABCD..... City/Municipal/Town Council wishes to invite suitably eligible applicants to apply for the following categories of plots inXYZ..... area which iskm from CBD.

| S/N | DESCRIPTION | NUMBER AVAILABLE | APPROX SIZE | APPLICATION FEE | PREMIUM FEES | SURVEY FEES |
|-----|-------------------------------|------------------|-------------|-----------------|--------------|-------------|
| 1 | Residential Low Cost | | | | | |
| 2 | Residential Medium Cost | | | | | |
| 3 | Residential High Cost | | | | | |
| 4 | Mixed Use Plots | | | | | |
| 5 | Commercial Large Scale | | | | | |
| 6 | Commercial (Shops) | | | | | |
| 7 | Agricultural (Small Holdings) | | | | | |
| 8 | Light Industrial | | | | | |
| 9 | Heavy Industrial | | | | | |

REQUIREMENTS

1. Copy of NRC of Applicant or Company Registration Certificate in case of a Company
2. Non – Refundable Application Fee

APPLICATION METHOD

1. Deposit the Non – Refundable Application in the Bank Account or any of the Mobile Money Platform provided. Indicate Applicants’ Name and ID Number on the Reference
Bank Name:
Branch:
Account Number:
2. Present the Proof of Deposit to the Civic Centre Accounts Office to be issued with an Official Receipt
3. Obtain Application Form with Official Unique Serial Number/ID or download from www.sampleadvert.com
4. Submit the application Form within 14 days before the Closing Date of the Application – No Forms shall be accepted after close of the application period even if the application Fee has been paid
5. Note that **50 percent** of all the Plots have exclusively been reserved for Women and 20 percent for youths and People with Disabilities. Women and Youths are therefore encouraged to apply

OTHER INFORMATION

1. The Plan for the Plots being advertised can be viewed from the Office of the at the Civic Centre between XX:XX and XX:XX
2. For further information or Clarification, you can contact the on or visit our website www.sampleadvert.com or our Facebook Page sampleadvert
3. Application Forms can also be obtained from other designated points away

Name of the Principal Officer

TOWN CLERK/COUNCIL SECRETARY
ABCD CITY/MUNICIPAL/TOWN COUNCIL

SAMPLE OF A DATABASE FOR APPLICANTS

| SNO. | APPLICATION FORM NO. | NAME OF APPLICANT | ID NUMBER (NRC/PASSPORT) | SEX | AGE | DISABILITY STATUS (Y/N) | LAND APPLIED FOR | |
|------|----------------------|-------------------|--------------------------|-----|-----|-------------------------|------------------|--|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

RECOMMENDED LAND EVALUATION COMMITTEE - INTERVIEWING PANEL)*

| Name | Representation/ Interest | Role | Inclusion Potential |
|---|-------------------------------------|-------------------------------|---|
| Planning Committee | Councilors/Political | Policy/Decision Making | Fixed based on elected Councilors |
| Director of Planning/ District Planning Officer | Planning | Technical/Advisory | Fixed based on substantive officer |
| Director of Engineering/ Director of Works | Engineering | Technical/Advisory | Fixed based on substantive officer |
| District Administrative Officer | District Administration | Advisory | Fixed based on substantive officer |
| District Agriculture Coordinating Officer | Agriculture | Technical/Advisory | Fixed based on substantive officer |
| Anti – Corruption Commission | Integrity | Observatory/ Compliance | Flexible – discretion of the appointing authority |
| Police | Integrity | Observatory/ Compliance | Flexible – discretion of the appointing authority |
| Drug Enforcement Committee | Integrity | Observatory/ Compliance | Flexible – discretion of the appointing authority |
| 2 Members of Civil Society Organizations | Inclusion | Advocacy/Advisory | Highly Flexible |
| Community Development/ Social Welfare | Inclusion | Interpreter | Highly Flexible |
| Gender and Inclusion Expert | Inclusion | Advocacy/Advisory/ Compliance | Highly Flexible |

**Abstracted from the Land Administrative Circular No. 1 of 1985 - MLGH/12/8/11 dated 12th October, 2015*

LAND INTERVIEW EVALUATION CRITERIA

EXAMPLE CITY/MUNICIPAL/TOWN COUNCIL

PLOT INTERVIEW SCORESHEET 20.02.2023

INTERVIEWER NO.....

PANEL A.....

| SNo. | APPLI CATION FORM NO** | NRC NO | SEX | PLOT NO | AREA | ZONING | TIME OF INTERVIEW | (a) APPLICA TION (2) | (b) FEM (2) | (c) DISAB ILITY (2) | (d) FHH/ CHH (1) | (e) CAPAC ITY (3) | (f) PLOT <10YRS (-10) | TOTAL SCORE (10) |
|------|---------------------------------|-------------|-----|------------|-----------|-------------|----------------------|----------------------------|-------------------|---------------------------|------------------------|-------------------------|--------------------------------|------------------------|
| 1 | 067 | 793011/11/1 | F | 40 | Golf View | Residential | 09:30 - 10:00 | | | | | | | |
| 2 | 114 | 500916/11/1 | F | 40 | Golf View | Residential | 09:30 - 10:00 | | | | | | | |
| 3 | 020 | 297977/11/1 | M | 72 | Golf View | Commercial | 09:30 - 10:00 | | | | | | | |
| 4 | 083 | 112703/10/1 | F | 74 | Golf View | Commercial | 09:30 - 10:00 | | | | | | | |
| 5 | 032 | 173976/73/1 | M | 76 | Golf View | Complex | 09:30 - 10:00 | | | | | | | |
| 6 | 063 | 220048/11/1 | M | 76 | Golf View | Complex | 09:30 - 10:00 | | | | | | | |
| 7 | 082 | 258605/74/1 | M | 76 | Golf View | Complex | 09:30 - 10:00 | | | | | | | |
| 8 | 005 | 104202/77/1 | M | 77 | Golf View | Residential | 10:01 - 10:30 | | | | | | | |
| 9 | 030 | 228555/75/1 | M | 77 | Golf View | Residential | 10:01 - 10:30 | | | | | | | |
| 10 | 056 | 223413/76/1 | F | 77 | Golf View | Residential | 10:01 - 10:30 | | | | | | | |

KEY:

- If Applicant meets all the required application documents, then scores 2 Points and proceeds to next stage – if not then is disqualified
 - If Applicant is female, then scores 2 points* (Objectivity must also be exercised – a woman with capacity should not disadvantage a man with less capacity)
 - If Applicant identifies themselves with a disability, scores 2 points
 - If Applicant is a youth or Female Headed Household/Child Headed Household, scores 1 point
 - If Applicant demonstrates their capacity to develop, scores 3 Points
 - If Applicant has obtained a Plot in the past 5 years and has not developed it or sold it, scores -10 points
- *Being Female, Youth and with a Disability automatically earns an applicant 50 percent of the total scores
- ** Applicants are identified by their Application Form Serial Number and NRC Number and NOT by name – for transparency

CUSTOMARY LAND DATABASE

| SNO. | CHIEFDOM NAME | NAME OF VILLAGE | NAME OF APPLICANT | ID NUMBER (NRC/PASSPORT) | SEX | AGE | DISABILITY STATUS (Y/N) | LAND SIZE (HA) | APPROVAL DATE |
|------|---------------|-----------------|-------------------|--------------------------|-----|-----|-------------------------|----------------|---------------|
| 1 | Mulendema | Chinika | Oscar Banda | 125424/19/1 | M | 29 | Y | 8 | 11/04/2021 |
| 2 | Mnukwa | Fuukwe | Wamunyima Sililo | 161947/21/1 | M | 38 | N | 3 | 21/09/2019 |
| 4 | Mulendema | Kalukula | Phyliss Mwaba | 2256487/18/1 | F | 32 | N | 4 | 30/11/2020 |
| 5 | Kabamba | Shambala | Muleba Kangwa | 567845/22/1 | M | 40 | N | 15 | 17/10/2021 |