



REPUBLIC OF THE GAMBIA

National Land Policy

2026-2035

**MINISTRY OF LANDS, REGIONAL GOVERNMENT AND
RELIGIOUS AFFAIRS**

FEBRUARY 2025 DRAFT VERSION

Table of Contents

<i>FOREWORD</i>	5
<i>ACKNOWLEDGEMENT</i>	7
<i>EXECUTIVE SUMMARY</i>	8
<i>LIST OF ACRONYMS/ABBREVIATIONS</i>	10
<i>GLOSSARY OF TERMS</i>	12
<i>CHAPTER 1: BACKGROUND TO THE NATIONAL LAND POLICY</i>	14
<i>1.1 Introduction</i>	14
<i>1.2 The Land Question in The Gambia</i>	14
1.2.1 Historical Background and Colonial Legacy	15
1.2.1.1 Historical Context and Geography	15
1.2.1.2 Colonial Administration and Land Governance	15
1.2.1.3 Evolution of Land Policy: The State Lands Act.....	16
1.2.1.4 The Protectorate: Customary Governance.....	16
1.2.1.5 Post-Independence Developments	16
1.2.2 Contemporary Land Policy Issues	16
1.2.3 Land Tenure and Land Administration Issues	17
1.2.4 Land Use Planning and Land Management Issues	17
1.2.5 Land Legal Issues	17
1.2.6 Land Rights Administration and Institutional Issues	18
<i>1.3 Rationale for the National Land Policy</i>	<i>19</i>
<i>1.4 Land Policy Formulation and Consultative Process</i>	<i>19</i>
1.4.1 Modality of the Work	20
1.4.2 Consultations and Participatory Process	21
1.4.3 Retreat for Drafting Team	21
1.4.4 Validation of the NLP	21
1.4.5 Finalization of the National Land Policy	21
1.4.6 Implementation Schedule	21
<i>CHAPTER 2: NATIONAL LAND POLICY FRAMEWORK</i>	<i>22</i>
<i>2.1 Introduction</i>	<i>22</i>
<i>2.2 Vision of the National Land Policy</i>	<i>23</i>
<i>2.3 Goal of the National Land Policy</i>	<i>23</i>
<i>2.4 Objectives of the National Land Policy</i>	<i>23</i>
<i>2.5 Guiding Principles for the National Land Policy</i>	<i>24</i>
<i>2.6 Key Issues Addressed by the National Land Policy</i>	<i>24</i>
<i>2.7 The Structure of the Policy</i>	<i>25</i>
<i>CHAPTER 3: LAND TENURE AND LAND ADMINISTRATION FRAMEWORK</i>	<i>27</i>

<i>3.1 Introduction</i>	27
<i>3.2 Who Owns Land and Types of Land Ownership/Tenure System (Freehold, Leasehold, and Customary)</i>	27
<i>3.3 Land Tenure Systems in The Gambia</i>	27
3.3.1 Customary Tenure	28
3.3.2 Freehold Tenure (fee simple absolute).....	29
3.3.3 Leasehold Tenure.....	29
<i>3.4 Facilitating Equitable Access to Land</i>	30
3.4.1 Discrimination and Denial of Land Rights of Women, DAPs, and Youth.....	31
<i>3.5 Access to Land for Responsible Investment</i>	31
<i>3.6 Recommendations Including Innovations and Moving Forward</i>	33
CHAPTER 4: LAND USE PLANNING AND LAND MANAGEMENT FRAMEWORK ...	34
<i>4.1 Introduction</i>	34
<i>4.2 Current State of Land Use Planning</i>	34
<i>4.3 Main Issues in Land Use Planning and Management</i>	35
4.3.1 Inadequacy of Current Legislation.....	35
4.3.2 Fragmented Decision Making and Lack of Enforcement.....	35
4.3.3 Planning Issues.....	35
<i>4.4 Challenges in Land Use Planning and Management</i>	37
4.4.1 Environmental Issues	37
4.4.2 Economic Issues	37
<i>4.5 What Is Land Use Planning and Management</i>	37
<i>4.6 Land Use Planning Principles</i>	38
<i>4.7 Land Use Planning</i>	39
4.7.1 National and Regional Land Use Planning System.....	40
4.7.2 Regional and Agricultural Land Use Planning.....	40
<i>4.8 Environmental Management Principles</i>	41
4.8.1 Conservation and Sustainable Management of Land Based Natural Resources	41
4.8.2 Human Settlement.....	42
4.8.3 Agriculture Management Principles.....	43
4.8.4 Climate and Urban Environmental Management Principles	43
4.8.5 Environmental Assessment and Audit as Land Management Tools	44
4.8.6 Integrating Rivers, Lakes, and Wetlands into Land Management.....	45
<i>4.9 Policy Directions and Actions</i>	45
CHAPTER 5: LAND LEGAL FRAMEWORK	47

<i>5.1 Introduction</i>	47
<i>5.2 Legal Framework on Land Tenure and Land Administration</i>	47
5.2.1 Constitution of The Gambia 1997.....	48
5.2.2 State Lands Act 1991/Cap. 57:02 Volume 8 Revised Laws of The Gambia 2009.....	48
5.2.3 The Conveyancing and Law of Property Act 1881	50
5.2.4 Land Acquisition and Compensation Act cap 57:06 Laws of The Gambia	51
5.2.5 Lands (Regions) Act Cap 57:03 Volume 8 Revised Laws of The Gambia 2009.....	53
5.2.6 Lands Commission Act	55
5.2.7 Local Government Act 2002.....	56
<i>5.3 Legal Framework on Land Use, Planning and Management</i>	56
5.3.1 The Gambia Tourism Board Act 2011.....	56
5.3.2 Physical Planning and Development Control Act	58
5.3.3 Forestry Act, 2018.....	59
5.3.4 Biodiversity and Wildlife Act (BWA)	60
5.3.5 National Environment Management Act (NEMA), 1994	60
5.3.6 Mines and Quarries Act	62
<i>5.4 Legal Framework on Land Registration and Title</i>	63
5.4.1 Land (Registration of Deeds) Act	63
Policy Statements	63
Strategic Actions	63
<i>5.5 Legal Framework on Land Valuation and Taxation</i>	64
5.5.1 Mortgages Act.....	64
5.5.2 Stamp Act	64
5.5.3 Land Rates.....	69
CHAPTER 6: LAND RIGHTS ADMINISTRATION AND INSTITUTIONAL FRAMEWORK	74
<i>6.1 Introduction</i>	74
<i>6.2 Land Rights Administration System</i>	74
<i>6.3 Institutional Framework for Land Administration</i>	75
6.3.1 Land Administration Institutions and Their Responsibilities	76
<i>6.4 Land Registration/ Rights Delivery</i>	78
<i>6.5 Land Rights Demarcation, Mapping and Survey</i>	80
<i>6.6 Land Information System</i>	81
<i>6.7 Land Dispute Resolution</i>	82
6.7.1 Redistribution and Resettlement	83
6.7.2 Expropriation, Compensation and Restitution	84

<i>6.8 Land Rights for Vulnerable Groups and Minorities</i>	<i>85</i>
6.8.1 Vulnerable Social Groups	85
<i>6.9 Revenue Generation and Fiscal Functions</i>	<i>85</i>
<i>6.10 Institutional Strengthening and Capacity Development</i>	<i>86</i>
CHAPTER 7: LAND ISSUES REQUIRING SPECIAL ATTENTION	88
<i>7.1 Introduction</i>	<i>88</i>
<i>7.2 Key Issues Raised During the Consultations</i>	<i>88</i>
7.2.1 Land Administration and Governance	88
7.2.2 Physical and Integrated Planning.....	88
7.2.3 Land Disputes and Conflicts	88
7.2.4 Environmental and Resource Management.....	88
7.2.5 Social and Community Issues.....	88
7.2.6 Economic Challenges	89
7.2.7 Administrative and Legal Framework	89
<i>7.3 Key Policy Statements.....</i>	<i>89</i>
7.3.1 Institutional Strengthening and Capacity Building	89
7.3.2 Affordable Housing and Shelter	90
7.3.3 Infrastructure and Development	90
<i>7.4 Informal Settlements</i>	<i>90</i>
<i>7.5 Disaster Management.....</i>	<i>91</i>
<i>7.6 Gambia Border Management and Control</i>	<i>92</i>
CHAPTER 8: LAND POLICY IMPLEMENTATION FRAMEWORK	94
<i>8.1 Introduction</i>	<i>94</i>
<i>8.2 Establishment of a National Land Policy Implementation, Coordination and Monitoring Unit</i>	<i>94</i>
<i>8.3 Capacity Building for National Land Policy Implementation</i>	<i>95</i>
<i>8.4 Costing and Financing the Implementation of the National Land Policy.....</i>	<i>95</i>
8.4.1 Resources Required to Implement the National Land Policy.....	96
8.4.2 Coordination of International Support.....	96
<i>8.5 Implementation Plan for the National Land Policy</i>	<i>96</i>
<i>8.6 Public Education and Dissemination of the National Land Policy.....</i>	<i>97</i>
<i>8.7 Stakeholder Participation</i>	<i>97</i>
<i>8.8 Monitoring, Evaluation and Review.....</i>	<i>98</i>

Reference

FOREWORD



It is a great pleasure to have the opportunity to write a foreword to this historic and first ever National Land Policy Document for the Republic of The Gambia. We are all aware that the current situation of the land sector is not only chaotic, and increasingly unsustainable but a great source of conflict. Over the years, the Gambia has used its land/natural resources indiscriminately, with over 70% of development taking place outside of the formal system. Lack of registration, paper-based documentation, Illegal buildings, poor agricultural practices, degradation of forests, unplanned urban and rural development, squatting, and environmental pollution, are but a few of the problems existing. Therefore, moving towards a clearer, more effective, and foremost, just land tenure systems in the Gambia is a fundamental prerequisite for ensuring the nation's

continued development and peace.

The Policy is aligned with one of the key priority issues enshrined in the government's Recovery Focused National Development plan (2023-2027) for the effective and efficient management of the land sector. The policy will serve as the main cooperation and collaborative document for resource mobilization with domestic and international partners.

The National Land Policy that addresses key land tenure issues and reform process is indeed a great achievement for the government and people of the Gambia.

The National Land Policy proposes to improve upon and strengthen the existing land administration systems and laws, particularly so, by recognizing and working with the differentiated land tenure categories in the country, enhancing the capacities of relevant institutions to mobilize sufficient national and international resources to ensure the implementation of the policy.

Notwithstanding the diverse challenges facing the land sector in the Gambia, and the highly sensitive nature of land issues, a considerably significant progress has been made in addressing the multiplicity of problems currently surrounding it in the country, including issues such as access to land and tenure rights, land use planning and regulation, and the management of special land issues, land administration structures, land laws, and legal frameworks.

The policy formulation process, which was punctuated with the active participation of all stakeholders leaving no one behind included various key stakeholders such as academics, professionals, youth, women, people living with disabilities, development partners national assembly members, civil society organizations, MDAs and other entities. The consultation process has not only been intensive, extensive and exhaustive, but also inclusive, with a view of ensuring diverse voices, opinions to ensure national ownership.

This historic and first ever comprehensive National Land Policy document provides a framework, which addresses the vision of the policy, guiding principles in its formulation, objectives and policy components to give direction to, and definition of the roles and responsibilities of various governments and traditional authorities, including other non-state actors in land management in the Gambia. Identify specific transformative policy actions and capacity issues to be addressed. Specifically, it enunciates policy statements in respect of the

key components of the National Land Policy such as access to land and tenure rights, land use planning and regulation, and the management of special land issues, land administration structures, land laws and the constitution.

The National Land Policy of the Ministry of Lands, Regional Governments and Religious Affairs was formulated, under the guidance of four technical working groups (TWG), National Steering Committee (NSC), Technical Committee, and of course a National lead Consultant, Abdou B. Touray, who has done a wonderful work by developing this comprehensive National Land Policy document for the Gambia that is very essential for the actualization of the National Development Plan priorities and the future development of our beloved Country. Our appreciation is extended to the World Bank through WACA RESIP 2 Project for providing all the financial support needed throughout the formulation process. A great thank you to Your Excellency the President of the Republic of The Gambia for the foresight and guidance throughout the progress.

Hon. Hamat N.K. Bah
Minister of Lands, Regional Government and Religious Affairs
February 2025

DRAFT NLP DOCUMENT

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On behalf of the TWG and National Steering Committee-(NSC) of the National Land Policy in the Ministry of Lands, Regional Government and Religious Affairs, I write with high appreciation to acknowledge the invaluable contributions of various communities, individuals, institutions, and other entities in the development of this National Land Policy document.

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February 2025

Abdou B. Touray
National Lead Consultant
National Land Policy Formulation Process

EXECUTIVE SUMMARY

The **National Land Policy (NLP) 2026-2035** is structured into eight key chapters, each addressing critical aspects of land governance, tenure, administration, and management in The Gambia.

The first chapter, **Background to the National Land Policy**, provides an overview of the challenges associated with land governance in The Gambia. It discusses the historical evolution of land tenure, highlighting the colonial legacy and post-independence developments that have influenced land ownership and administration. The chapter also identifies contemporary issues such as tenure insecurity, weak land administration, and unplanned urbanization. Furthermore, it explains the rationale behind the policy and outlines the consultative process undertaken to ensure stakeholder engagement, participation, and validation.

The second chapter, **National Land Policy Framework**, sets out the vision, goal, and objectives of the policy. The vision aims to ensure an equitable and sustainable land management system that supports economic growth and social stability. The objectives focus on strengthening tenure security, promoting responsible land use, and supporting investment in land governance. The policy is guided by fundamental principles, including human rights, transparency, gender equality, and environmental sustainability, which provide the foundation for effective land administration. This chapter also highlights key issues that the policy seeks to address, such as governance weaknesses, land disputes, and inadequate legal frameworks.

In the third chapter, **Land Tenure and Land Administration Framework**, the policy outlines different types of land ownership in The Gambia, which include Customary, Freehold, and Leasehold tenure. The chapter describes the role of state institutions in land administration, emphasizing the need for clear mandates and improved coordination. It also addresses the issue of equitable access to land, particularly for marginalized groups such as women, youth, and Differently Abled Persons (DAPs). Additionally, the policy sets out guidelines for responsible land investment, ensuring that land is allocated in a way that balances economic development with community interests and environmental sustainability.

The fourth chapter, **Land Use Planning and Land Management Framework**, examines the current state of land use planning in The Gambia and identifies key challenges such as rapid urbanization, environmental degradation, and lack of enforcement of zoning laws. The chapter discusses the weaknesses in planning and development control and highlights the fragmentation in decision-making processes, which leads to conflicting land allocations. The policy proposes strengthening the National Land Use Plan, introducing clear zoning laws, and implementing participatory land-use planning strategies to improve resilience to climate change and promote sustainable land management.

The fifth chapter, **Land Legal Framework**, focuses on the laws governing land tenure, administration, and dispute resolution. It highlights gaps in existing land laws, such as the State Lands Act, Land Acquisition Act, and Land Commission Act, and recommends legislative reforms to align land governance with national and international standards. The chapter also addresses issues of land registration, titling, valuation, and taxation, emphasizing the need for harmonized legal frameworks to streamline land transactions and improve revenue collection.

The sixth chapter, **Land Rights Administration and Institutional Framework**, addresses inefficiencies in land administration caused by fragmented institutional mandates and poor coordination among land agencies. It discusses the challenges of outdated record-keeping systems, corruption, and lengthy land transaction processes. The policy proposes establishing a National Land Administration System (NLAS), strengthening the capacity of local government institutions, and digitizing land records to enhance efficiency and transparency in land governance.

In the seventh chapter, **Land Issues Requiring Special Intervention**, the policy identifies areas that require urgent government action, such as land disputes, access to land for vulnerable groups, and disaster risk management. It highlights the challenges faced by women, youth, and marginalized communities in securing land rights and proposes legal and administrative measures to enhance their access to land. The chapter also discusses strategies for regularizing informal settlements, improving climate resilience, and protecting environmentally sensitive areas.

The eighth and final chapter, **Land Policy Implementation Framework**, outlines the roadmap for executing the policy over a 10-year period (2026-2035). It details the institutional arrangements, including the establishment of a National Land Policy Implementation Unit (NLPIU) to oversee execution. The chapter also highlights the importance of capacity building, funding mechanisms, and stakeholder participation to ensure successful implementation. A Monitoring and Evaluation (M&E) framework is proposed to track policy progress through annual reviews, mid-term evaluations, and necessary policy adjustments.

The National Land Policy (NLP) 2026-2035 comprehensively addresses land governance challenges, tenure security, legal reforms, and sustainable land management in The Gambia. If fully implemented, the policy will significantly improve land administration, enhance investment opportunities, and promote equitable and sustainable land use for future generations.

LIST OF ACRONYMS/ABBREVIATIONS

ADR	Alternative Disputes Resolution
AFDB	African Development Bank
ANR	Agricultural and Natural Resources
AU	African Union
BWA	Biodiversity and Wildlife Act
LC	Land Commission
CCO	Certificate of Customary Ownership
CSOs	Civil Society Organisations
DAPs'	Differently Abled Persons
DLS	Department of Lands and Surveys
DPPH	Department of Physical Planning and Housing
ECA	Economic Commission for Africa
ECOWAS	Economic Countries of West African States
EIA	Environment Impact Assessment
ESHIA	Environment, Social and Health Impact Assessment
FAO	Food and Agricultural Organization
GBA	Greater Banjul Area
GBoS	Gambia Bureau of Statistics
GDP	Gross Domestic Product
GIS	Geographic Information System
GMD	Gambian Dalasi
GoTG	Government of The Gambia
GPS	Global Positioning Systems
GRA	Gambia Revenue Authority
GT Board	Gambia Tourism Board
HDI	Human Development Index
ID	Identity Card
IT	Information Technology
IFC	International Finance Corporation
KMC	Kanifing Municipal Council
LDC	Least Developed Countries
LIMS	Land Information Management System
LRC	Law Reform Commission
MALFS	Ministry of Agriculture, Livestock and Food Security
MDAs	Ministries Departments and Agencies
MoFEA	Ministry of Finance and Economic Affairs
MoLRG	Ministry of Lands, Regional Government and Religious Affairs
MEMO	Memorandum
MECCNAR	Ministry of Environment, Climate Change and Natural Resources
MOJ	Ministry of Justice
MoWTI	Ministry of Works, Transport and Infrastructure
MOU	Memorandum of Understanding
MPs	Members of Parliament
NCU	National Co-ordination Unit
NEMA	National Environment Management Act
NGOs	Non- Governmental Organisations
NLAS	National Land Administration System
NLP	National Land Policy

NLPIF	National Land Policy Implementation Framework
NLPIU	National Land Policy Implementation Unit
NLPSC	National Land Policy Steering Committee
NLPRU	National Land Policy Reform Unit
NRA	National Roads Authority
OECD	Organization of European Community Development
PA	Planning Authorities
PPDC	Physical Planning and Development Control
PRSP	Poverty Reduction Strategy Paper
RF-NDP	Recovery Focused-National Development Plan
RPF	Resettlement Policy Framework
SCM	Steering Committee Member
SDGs	Sustainable Development Goals
TBNRM	Trans- Boundary Natural Resource Management
TCC	Technical Coordinating Committee
TDA	Tourism Development Area
TIN	Tax Identification Number
TWG	Technical Working Group
UNDP	United Nations Development Programme
UNFCCC	United Nations Framework Convention on Climate Change
USD	United States Dollar
VDCs	Village Development Committees
VGGT	Voluntary Guidelines on the Responsible Governance Tenure
WACA	West Africa Coastal Areas Management Program
WALIC	West Africa Livestock Innovation Centre
WB	World Bank

GLOSSARY OF TERMS

1. **Allodial Interest:** The highest proprietary interest known to customary schemes of interest in land. It is sometimes referred to as the paramount title, absolute title or radical title.
2. **Cadastral Map:** A map that shows how a locality is divided into units of ownership.
3. **Cadastral:** A public register of the quantity, value, and ownership of the land of a country compiled for the purpose of public policy.
4. **Dambo:** Permanent wetlands Encroachment: Any development on land for which the developer has no legal interest or planning and building permit for the development.
5. **Government Land** will henceforth refer exclusively to land acquired and privately owned by the government to be used for dedicated purposes such as government buildings, schools, hospitals, public infrastructure or made available for private use by individuals and organizations.
6. **National Land:** This refers to that portion of land which constitutes Republic of The Gambia. It comprises not only the surface of the earth but also the sea and air-space as provided out in the 1997 Constitution.
7. **State Land:** This refers to land designated by the state, administered by the state Land Act of 1991 which empowers the Minister, responsible for land matters to make and execute grants of any state land or of any interest therein.
8. **Private Land:** This is land owned by private individuals and other corporate entities and can be freely disposed of by the owner.
9. **Public Land:** This category of land is reserved strictly for land managed by MDAs of the government, and in some cases by traditional authorities in trust for the people and openly used or accessible to the public at large
10. **Community Land:** This is restricted to land owned by a community in the provinces and administered by customary law and Land Regions Act.
11. **Family Land:** This refers to land owned by a family and administered by family head under customary law. It includes farmland and land for construction of dwelling houses.
12. **Unoccupied Land:** This refers to land not occupied by anybody, and it includes unclaimed lands.
13. **Leasehold:** This is lands acquired by lease payment for a fixed period as spelt out in the terms of the lease agreement.
14. **Freehold Land:** This is land acquired by individuals and other corporate entities by payment of a “fee simple: in land purchase and sale transactions. This is however restricted only to land transactions in Banjul, Bakau Cape Point and Janjanbureh.
15. **Land Grabbing:** This is the act of claiming ownership of a piece of land without following appropriate procedures recognized by statutory or customary law in The Gambia.
16. **Multiple Sale:** This is a situation in which an individual or a group of individuals sell a property such as land to different parties by deceitful means.
17. **Falsification of Documents in Land(s) Transactions:** This refers to a situation wherein one party prepares false documents in any land transaction with the intention of deceiving another party.
18. **Land Policy:** This term is used to refer to the guidelines (rules and regulations) in the administration, management, control, planning and execution of land matters in The Gambia.

- 19. Access to Land and Tenure Rights:** This is used to refer to the opportunity recognized by statutory and/or customary law to acquire land and the process involved, which are to be followed by those who need land and those to whom Land can be allocated in The Gambia.
- 20. Land Tenure System:** This is used to describe a system of land holding in The Gambia.
- 21. Land Use Planning and Regulation:** This refers to the activities involved in the proper control and enforcement in the use of Land for Development purposes and proper urban-rural planning.
- 22. Land Administration System:** This is used to refer to the mechanisms put in place for the development of strategies for implementation and execution of policies on land matters.
- 23. Land Adjudication System:** This is used to refer to the court system in the process of settling Land Disputes and Land related matters.
- 24. Protection and Security of The Gambia's International Boundaries:** This refers to the efforts of the government and corporate agencies to protect and secure international boundaries and ensure that cross-border activities are properly managed.
- 25. Customary Law:** This is used to refer to rules of law which by custom re applicable to particular communities, and are unwritten laws established by long usage is such communities.
- 26. Statutory Law:** This is used to refer to rules of law enacted by parliament which are written and applicable in The Gambia.
- 27. National Land Commission:** This refers to a body established by an Act of Parliament, charged with the responsibility of handling land matters.
- 28. Traditional Authority:** The area of indigenous geo-political and socio-economic jurisdiction; an indigenous state (customary sovereignty) sometimes of a single lineage descent group that represents the source of authority of the Chief as the primus inter pares.
- 29. Usufruct:** Rights in land held by a member of the land holding community or a stranger who has obtained an express grant from the land holding community using customary mode of alienation. It is at times referred to as customary freehold, proprietary occupancy or determinable title.

CHAPTER 1: BACKGROUND TO THE NATIONAL LAND POLICY

1.1 Introduction

The Gambia, with a land size of 11,300 square kilometers, faces significant challenges exacerbated by its population growth rate of 3.1 percent per annum, expected to double in 22.3 years (2013-2024 GBOS Census). This growth, coupled with a population density of 176 persons per square kilometer, makes The Gambia the fourth most densely populated country in mainland Africa, with most of the population (57%) concentrated around urban and peri-urban centers. Despite this urbanization trend, the country remains highly vulnerable to climate change, characterized by rising temperatures and declining rainfall. 53.8 percent of the population living below the poverty line. The country faces key development challenges such as high poverty, high youth unemployment, food insecurity, high unplanned urbanization, and environmental degradation.

These challenges, compounded by the absence of a comprehensive national land policy, have led to fragmented, uncoordinated, and often conflicting approaches to land governance and management. Land-related conflicts are prevalent, exacerbated by unrecorded competing claims, inconsistent institutional mandates, and complex land registration procedures involving multiple authorities, unequal land access, and weak land use planning.

To address these challenges and improve The Gambia's resilience to coastal hazards, there is an urgent need to establish a new legal, institutional, and technological framework for land tenure, governance, management, administration, and land use planning. Central to this effort is the formulation of a national land policy that provides a cohesive and inclusive approach to addressing land tenure challenges, bridging the gap between formal and customary laws governing land rights in the country.

In partnership with the Ministry of Lands, Regional Government, and Religious Affairs (MoLRG&RA), the World Bank the WACA project to formulate a national land policy for The Gambia. The process was guided by inclusive and consultative approaches outlined in the roadmap for land policy formulation, approved by the MoLRG&RA in February 2023 and updated in April 2024, along with relevant international instruments. This roadmap serves as a foundational document for, ensuring alignment with national priorities and international best practices.

1.2 The Land Question in The Gambia

The land question in The Gambia encompasses the intricate challenges of land ownership, use, access, and governance. As a vital resource for agriculture, housing, infrastructure development, and economic growth, land remains essential to the livelihoods of Gambians. However, addressing issues related to land tenure, management, and equitable access has become increasingly urgent due to factors such as population growth, urbanization, climate change, and governance inefficiencies.

Topographically, The Gambia is separated into five primary natural zones, including:

- i. Flat coastal regions with barren Aeolian sands and low chemical nutrients.
- ii. Mangrove swamps, located near the Gambia River estuary, have clay alluvium soils with high salt content.
- iii. Banta Faros (beyond swamp) is a riverside area characterized by grasses. The excellent light alluvium soil in this location makes it ideal for rice farming.
- iv. Sand hills feature low hills and shallow valleys with long grass, baobab, locust beans, and kapok trees.
- v. Sandstone plateaus contain sandy soils suitable for groundnut farming.

The Gambian government and people use land for many purposes, including:

- (a.) Settlement.
- (b.) Agriculture and Fisheries.
- (c.) Mining.
- (d.) Commercial activities.
- (e.) Industrial activities
- (f.) Institutional purposes
- (g.) Social amenities
- (h.) Transportation

1.2.1 Historical Background and Colonial Legacy

1.2.1.1 Historical Context and Geography

The Gambia's unique geography is defined by the River Gambia, which flows from the Fouta Djallon highlands in Guinea to the Atlantic Ocean. Spanning a narrow strip of land surrounded by Senegal, The Gambia covers an area of 11,300 square kilometres, with its land territory extending 484 kilometres inland from the coast.

The country's colonial foundations were laid in 1816 when Captain Alexander Grant acquired Banjulo Island from Tomani Bojang, the King of Kombo. Subsequent territorial acquisitions included Barra Point (1826), MacCarthy Island (1823), Fatenda (1829), and Kombo Tibab Banko (1840), further consolidating British control. These acquisitions laid the groundwork for the formal establishment of The Gambia as a British colony and protectorate.

The Gambia's borders were demarcated between 1891 and 1905 under the Anglo-French Convention of 1889, which sought to delineate British and French territories in West Africa. This process was formalized through the Anglo-French Boundary Delimitation Conference of 1889 in Paris, leading to the creation of a Boundary Demarcation Commission. By 1891, the boundaries were established, and The Gambia emerged as a distinct entity divided into two administrative regions: the colony and the protectorate.

1.2.1.2 Colonial Administration and Land Governance

The colony, consisting primarily of Banjul and surrounding areas, was under direct British Crown control, with land vested in the Crown. The state granted freehold and leasehold titles within this region. However, a major shift occurred in 1945 with the introduction of the Lands Act. This legislation reclassified colonial land as state land and prohibited the creation of freeholds without parliamentary consent. Freehold grants issued in Banjul before 1945 remained valid, but subsequent land allocations were limited to leaseholds.

Banjul, with no prior indigenous settlements, saw little land-related conflict. However, Kombo Saint Mary and other parts of the colony, consisting of lands ceded by local rulers (e.g., the King of Kombo in 1840), were inhabited by indigenous communities practicing traditional land ownership. This dual system of governance—state-administered leaseholds and customary land tenure—frequently led to disputes, particularly when state-granted leases overlapped with traditional claims.

1.2.1.3 Evolution of Land Policy: The State Lands Act

In 1991, the State Lands Act replaced the 1945 Lands Act, introducing the concept of "deemed leaseholds" and granting the Ministry of Lands authority to declare any region as state land. Occupants of such areas were automatically assigned 99-year leases. By 1994, Kombo North, South, and Central were designated as state lands, fueling land speculation due to soaring values in the Greater Banjul Area. These developments led the government to impose periodic freezes on land transactions, particularly in coastal areas, and to remove traditional leaders (alkalolu) in certain cases.

1.2.1.4 The Protectorate: Customary Governance

In contrast, the protectorate was divided into five administrative divisions, each managed by a Commissioner (now Governor). The Lands (Provinces) Act of 1946 vested land control in district councils (Seyfos), who administered land according to customary law for the benefit of local communities. Seyfos also presides over district authority matters and supervise the village heads (Alkalolu) to oversee local land matters. The introduction of leaseholds in the protectorate required approvals from the district authorities, Provincial Commissioners and the then Ministry of Local Government, Lands and Mines. This system facilitated the registration of customary land for formal use but also created avenues for alienation.

1.2.1.5 Post-Independence Developments

Following the Independence Act of 1964, The Gambia unified its colonial and protectorate systems under a single administration. Despite this, land governance retained distinct colonial-era features. Customary tenure, deemed leaseholds, and land-use planning remain sources of contention. The 1997 Constitution mandated the establishment of a Land Commission, which was formalized by the Land Commission Act of 2007. This body now oversees land administration, ensuring transparency and policy compliance.

1.2.2 Contemporary Land Policy Issues

The contemporary realities of land administration and management in the Gambia can be looked at through the lens of numerous problems that exist. Among these are; inequitable access to land, shortage of accessible land, insecure tenure forms and rights due to the absence of an integrated system of registration of titles, lack of proper cadastral mapping and land information, unclear and diverging tenure forms under customary law, overlapping jurisdiction for statutory and customary laws, weak land administration and management, inadequate concession practices and protective mechanisms to prevent land grabbing in the commercial land use sector as well as the lack of access to land by vulnerable groups such as women, DAPs and Youth among others. The country lacks a land policy that addresses the above in a sustainable manner hence the importance of this policy.

1.2.3 Land Tenure and Land Administration Issues

One of the issues identified in land tenure and land administration in the Gambia is the difficulty of ascertaining title to customary land and unregistered land. This simply means that the process of authenticating land ownership, particularly with respect to customary land, is difficult to determine. However, this policy recommends the formal registration of all customary land.

The lack of cadastral maps and inter-village boundaries is one of the key issues in surveying and documentation of the boundaries of land ownership, which provides detailed diagrams, sketches, and plans that guarantee clear boundaries of villages according to the land information records. This makes inter-village boundaries either overlapping or unclear. This issue is further compounded by the lack of a Land administration and Information system in The Gambia.

Land is one of the most crucial resources in the lives of Gambians particularly women and the vulnerable groups, it is one of the main sources of livelihood and material wealth, especially for the people in provincial Gambia. However, the majority of Gambia women do have access to land but do not own it and most of them could be described as landless as they are invariably tenant farmers engaged in subsistence agriculture.

1.2.4 Land Use Planning and Land Management Issues

The absence of a National Land Policy in The Gambia has deterred institutions from executing their functions related to sustainable land use planning, environmental conservation, and equitable resource management to address challenges such as uncontrolled growth, urban sprawl, and land degradation. A national land policy would integrate climate resilience, agro ecological practices, and transparent governance in land allocation and use. Key elements include zoning regulations, stakeholder engagement, and comprehensive spatial development plans at all levels to guide land management, prevent land hoarding, and preserve environmentally sensitive areas like wetlands, rivers, cultural heritage sites, and forests.

To achieve these goals, the government will develop a national land use plan, leverage technology for digital monitoring, and engage communities in participatory planning. The policy highlights the critical role of managing water bodies sustainably, with clear guidelines to safeguard them from encroachment and pollution. Additional focus areas include fostering resilient human settlements, promoting efficient urban planning, and regulating land use, allocating roads, spaces for youth, women and public services through a comprehensive physical development plan. The need for efficient and equitable allocation of land for designated purposes is also emphasized e.g., residential, industrial, and public purposes to guide land use effectively and align land policies with international frameworks to ensure equitable and sustainable development for future generations.

In conclusion, the establishment of green spaces within communities is highlighted to promote environmental sustainability. This section of the policy would leverage Spatial planning as a tool to address potential challenges and ensure orderly future development.

1.2.5 Land Legal Issues

This policy seeks to remedy The Gambia's Legal Framework of the Land Policy and numerous land challenges under its tripartite land tenure system. These include: Legal Framework on Land Tenure and Land Administration, Land Use, Planning and Management, Registration of

Titles, Valuation and Taxation. Inequitable access to land, shortage of accessible land especially in the urban area, insecure tenure form and rights due to the absence of a system of registration of titles, unclear and diverging tenure forms under customary law, overlapping jurisdiction for statutory and customary laws, weak land administration and management, change of land use, land allocation system, too many bureaucracies, land disputes, gender disparities, Differently able persons , youth and women, inadequate concession practices and protective mechanisms to prevent land grabbing, , among others.

A process to improve the current land adjudication system, including the customary law framework and the entire judicial system, is critical to the enforcement of the land policy and land laws. Currently, close to 60% of the adjudication cases facing the courts in the Urban and Regions entail land disputes. Many of these cases last over five years, leading frequently to litigants taking the law into their own hands (e.g. evictions and prohibitions on land use). Corruption and fraud related to the land adjudication process are on the increase. Access to justice over land issues is limited for many, particularly the poor. Those with more resources frequently influence the land adjudication system.

A multiplicity of land disputes have emerged within the regions. These have heightened the need to improve the governance of land matters. Common land conflicts and disputes involve problems of effective land acquisition, contested land boundaries (involving family lands, villages, districts, designated State lands, and trans-international boundaries); the incidence of multiple land sales, conflicting ownership authorities over land administration (involving land-owning families, traditional authorities and various arms of the state), growing land use conversion and the weakness of the land adjudication system.

The disproportionate delays of land disputes in the court system are directly related to the steady increase in the number of land cases due to the difficulties involved in establishing absolute titles to land under the current system of registration of deeds. The fundamental problem lies in the system of ownership, acquisition, management and registration of deeds and the many loopholes found in the legal framework that accompanies it, all of which the policy seeks to address.

1.2.6 Land Rights Administration and Institutional Issues

Land administration in The Gambia is plagued by systemic challenges across its three tenure systems: customary, freehold, and state land rights. Over 60% of land is governed under customary tenure, but poor record-keeping, reliance on traditional knowledge, and unregulated practices have created an environment of inefficiency and vulnerability. Alkalolu and Chiefs, the custodians of customary land, operate without proper records, leaving critical records undocumented or lost. Poorly written documentation encourages multiple sales, unregistered transactions, and disputes, further compounded by the slow and centralized documentation process for owners seeking to convert customary to state land. State land administration, primarily in the Greater Banjul Area, is overburdened by customary landowners seeking formal registration, leading to lengthy leasing procedures, undermined by overreliance on paper-based processes prone to abuse and inefficiency.

The institutions charged with land administration encounter significant challenges which undermine effective land governance. Overlapping mandates, poor coordination, and outdated tools have left key institutions incapable of delivering timely or reliable services. Capacity gaps are glaring, with insufficient qualified personnel, inadequate resources, and poor enforcement of regulations. The absence of a modernized cadastral system or integrated Land Administration

Information System (LIS) hampers boundary demarcation, land registration, and dispute resolution, fueling conflicts that dominate civil court cases. Furthermore, decentralized authorities, including local government officials, lack formal training, exacerbating inefficiencies and eroding public trust. Unclear policies and conflicting legal frameworks deepen these challenges, while low registration rates of land limit government revenue and encourage land speculation and underutilization. Addressing these systemic issues demands a comprehensive reform agenda emphasizing institutional alignment, capacity-building, technological modernization, and streamlined processes to foster accountability, efficiency, and sustainable land management.

1.3 Rationale for the National Land Policy

The rationale of the land policy is based on the following:

- Land as a basis for investment and economic growth
- Land as a means for reduction of poverty and inequalities
- Better governance of land resources through institutional strengthening
- Land policy in relation to spatial planning/environmental management and existing commitments
- Decentralized land management as a means for broadening and deepening democracy
- Land policy and reform as a means of integration at different levels.

1.4 Land Policy Formulation and Consultative Process

The Gambia recognizes that equitable access to land, coupled with efficient and sustainable land utilization, is crucial for economic prosperity, poverty eradication, and overall well-being. Therefore, formulating a national land policy plays a fundamental role in fostering sustainable growth, promoting good governance, and creating economic opportunities for all citizens to ensure social justice, equity, and political stability.

A land policy can be defined as a comprehensive framework of rules and guidelines that govern how a country's administration manages and administers land within its borders. It serves to strengthen access to land, ensure tenure security, particularly for vulnerable communities, promote sustainable land use, guide fit-for-purpose land administration services, and facilitate the prevention and resolution of land conflicts and disputes.

The process of developing a national land policy is integral to social and economic development and should adhere to several key principles:

1. **Inclusivity:** The process should involve the full and informed participation of all stakeholders, including women, who are significant users of land.
2. **National Ownership:** There should be national ownership in the formulation process to ensure smooth implementation, particularly at the grassroots level.
3. **Recognition of Local Structures:** The roles of local and community-based land administration structures should be recognized alongside those of the state, with a focus on collaboration.

The formulation of The Gambia's first-ever National Land Policy (NLP) marks a significant milestone in addressing land administration conflicts. Guided by several principles, including non-discrimination, gender equity, secure land rights, and sustainable land use.

The NLP aims to:

- Ensure equitable access to land for all citizens.
- Promote intra- and inter-generational equity.
- Support effective regulation of land development.
- Facilitate sustainable land use for various sectors, including agriculture, investment, and industrial development.
- Enhance disaster risk reduction and natural resources management.
- Improve access to land information.
- Ensure transparent and accountable governance of land.
- Foster participation and inclusion in land governance processes.
- Promote cost-efficient and effective land administration.
- Facilitate continuous improvement through robust monitoring and evaluation mechanisms.

Furthermore, the NLP will align with relevant land policies and guidelines globally, regionally, and across similar countries, ensuring coherence and synergy with broader land governance frameworks.

1.4.1 Modality of the Work

The work commenced with the recruitment of the international and national lead coordinator. The consultants had a pivotal role in guiding the formulation of a comprehensive and inclusive National Land Policy for The Gambia, working with all relevant structures, line technical departments and ensuring that diverse perspectives and stakeholders' interests were adequately represented and addressed.

A road map was formulated and budgeted for efficient and effective operationalization of the NLP formulation process.

A critical literature review was conducted and valuable information were outlined which provided the situational analysis, pointed out main issues relating to land governance and the challenge associated with land matters in the country.

The work of the thematic working groups was added on the literature review to give a broader and more detailed perspective of land situation in the country. With the available information, several thematic working group meetings were held to prepare a land issue paper. The land issue paper took the following format:

- What is the situation of the land tenure and land administration, land use planning and management, land legal issues, and land rights and administration?
- What are the main critical issues found, the institutions involved in land matters, their role and functions showing overlaps and complementarity?
- What are the challenges and recommendations to be considered moving forward?
- What are the new suggestions and innovations made by respective thematic working groups?
- What are the capacity issues?

1.4.2 Consultations and Participatory Process

Following the formulation of the issue paper, a series of consultations were held to solicit opinions, views and comments on the paper. The consultations were held at ward, district, regional and national levels. In total 40 consultation workshops were held (8 regional, 10 sectoral, 16 district and 6 urban wards) involving public, private and civil society organizations. In addition, workshops were held with women groups, youth groups, and Differently Able Persons (DAPs). During these consultations and focused group discussions, over 5000 people were met and their views sort on the land policy they want. At the end of the consultations, reports were produced. The land issue paper and the consultation reports were used in the production of the zero draft of the National Land Policy.

1.4.3 Retreat for Drafting Team

A five-day retreat of the drafting team was organized to produce the updated zero draft of the NLP which was used for review and the subsequent validation processes. The updated Zero draft produced after the NLP retreat was also used to draft the policy implementation plan after the policy priorities were defined.

1.4.4 Validation of the NLP

Validation workshops were organized in all regions and at the national level and the concerns of the diverse constituencies on land matters were captured before finalizing the draft policy. These workshops were organized in such a way that all the concerned stakeholders took part in the sessions. Adequate and proper representation was taken into consideration.

1.4.5 Finalization of the National Land Policy

After the validation process, the feedback from all the workshops was incorporated into the first draft of the NLP which was circulated to all relevant sectors and stakeholders for their review and for final feedback. The responses and feedbacks from the sectors were considered in the final draft NLP cabinet copy.

1.4.6 Implementation Schedule

The National land policy will be implemented for ten years (2026-2035) and will be guided by a detailed implementation plan with estimated costing that outlines short, medium, and long-term actions i.e. 1 to 3 years short, 4 to 6 years medium while 7 to 10 years will be long term. A midterm and terminal evaluation will be carried out, however, annual reviews will be conducted and reports produced.

CHAPTER 2: NATIONAL LAND POLICY FRAMEWORK

2.1 Introduction

In The Gambia, land is one of the most important resources, serving as the foundation for food production, investment, and housing. Its primary uses include transportation, residences, commercial activities, agriculture, and recreation, and it's recognized as a vital resource for individual survival and the economic development of the country. The recovery-focused national development plan (RF-NDP 2023-2027) explicitly identifies land as a key enabler for economic transformation and development.

However, despite the importance of land in the socio-economic development of the country, there is currently no comprehensive and holistic national land policy. Additionally, several stakeholders are involved in the land tenure system, administration, management, and use planning. The Gambia primarily operates under a tripartite land tenure system, which includes Freehold is a type of land tenure in which the owner owns land in perpetuity. Customary tenure is based on traditional practices and is predominant in rural areas, where land is communally owned and administered by local chiefs or elders. Leasehold is governed by statutory laws and regulations and is issued for 99 years and is more common in urban areas. All three tenures are classified as formal. The government plays a role in regulating and managing formal land tenure through various agencies and policies.

The absence of robust land policy frameworks undermines the ability to effectively manage and govern land resources. Without clear guidelines and directives, it is found difficult to direct, manage, and navigate the complexities of land administration with the requisite precision and foresight.

The management and governance of land have often been marred by conflicts, inequality, and unsustainable practices that have led to environmental degradation and social injustices. Unfortunately, land has become a hotbed of controversy due to the presence of inadequate policies and governance.

The country faces a multitude of challenges, including numerous unresolved land conflicts, a decline in public trust in land administration, instances of dual land issuance, unauthorized land extensions by individuals, and lack of systematic procedures for effectively recording, retrieving, and tracking land records.

The current reliance on a paper-based administrative system has resulted in inherent inefficiencies that greatly impede the ability to process land application requests effectively. Consequently, there is a pressing need to modernize and streamline our procedures to enhance the overall efficiency and responsiveness of the land application process.

2.2 Vision of the National Land Policy

To ensure efficient, equitable, and sustainable use and management of The Gambia's land and land-based resources for poverty reduction, wealth creation, and overall socio-economic transformation.

2.3 Goal of the National Land Policy

A peaceful and prosperous Gambia is realized through equitable access, efficient, and sustainable utilization of land.

2.4 Objectives of the National Land Policy

In pursuance of the Ministry of Lands, Regional Government and Religious Affairs' *Vision*, "To be the platform for effective and efficient land resource management, local governance, rural development and poverty reduction" and its *Mission* "To achieve equitable and efficient distribution of land resources (State and Customary), ensure that land use maps and plans are available nationwide, strengthen the existing development control policy and systems", this land policy will play a crucial role in the country's social and economic development, ensuring equitable access to land resources and promoting stability.

The overarching objective of formulating a National Land Policy (NLP) is to establish a legal framework that enables efficient management of land as a critical national asset. Recognizing land as vital for individual survival, economic development, and the stability of The Gambia, the NLP aims to achieve several key goals:

1. **Establish an Effective Land Tenure System:** The NLP seeks to recognize all legitimate forms of land ownership and tenure rights, ensuring tenure security and equitable access to land for all citizens.
2. **Promote Responsible and Inclusive Land Use:** The policy aims to encourage responsible, inclusive, and ecologically balanced use of land and land-based resources, generating wealth, reducing poverty, and increasing resilience.
3. **Address Land Management Conflicts:** The NLP intends to address conflicts related to land management and improve natural resource governance, fostering sustainable and harmonious land management practices.
4. **Support Capacity Building and Legislative Reforms:** The policy will support capacity-building initiatives and legislative reforms aimed at promoting youth, Differently Abled Persons (DAPs), and women's empowerment in land-related matters.

The overall goal of the NLP is to transform the Gambian society by optimizing the use and management of land resources, leading to a prosperous and industrialized economy with a developed service sector. Specifically, the policy aims to ensure efficient, equitable, and optimal utilization and management of The Gambia's land resources, aligning with the objectives outlined in the Recovery Focused National Development Plan (2023-2027).

Specific Objectives

- To ensure equitable access to land for all Gambian

- Strengthen the contribution of the land sector to inclusive economic growth that creates employment opportunities and helps in reducing poverty.
- Position the land sector to support other land-based productive sectors of the economy to improve their functionality and productivity
- To promote efficient, sustainable, and productive use of land
- To ensure sound management of land resources for long-term national development
- To address historical injustices and land conflicts
- To protect land rights for marginalized groups, including women, DAPs, and Youth.
- To promote institutional coordination and adequate resourcing for effective implementation of the National Land Policy and to ensure the sustainable management of land resources.

2.5 Guiding Principles for the National Land Policy

The guiding principles of the NLP are in line with the stipulation of the 1997 constitution of the Gambia, Sustainable Development Goals (SDGs), AU agenda 2063, AU Principles on land governance, and most importantly the Recovery Focused –National Development Plan (2023-2027). These principles include:

The policy is guided by the following principles and values:

- i. Respect for fundamental human rights and freedoms as enshrined in Chapter Four, Section 22 of the 1997 Constitution of The Gambia.
- ii. Equitable access to land for all citizens of The Gambia to hold, own, enjoy, use, and develop, either individually or in association with others.
- iii. Equity and justice in access to land, irrespective of gender, age, disability, or any other reason influenced by history, tradition, or custom.
- iv. Secure land tenure for all, ensuring land tenure security for climate action.
- v. Effective and responsible regulation of land use and land development.
- vi. Optimal land use and sustainable management for economic productivity and commercial competitiveness.
- vii. Transparency and accountability in democratic land governance.
- viii. Reversing the decline in soil and land quality and mitigating environmental effects.
- ix. Recognition of land as a central factor in leveraging other productive sectors and as a development enabler.
- x. Policy coherence and coordination in land governance.
- xi. Protection and improvement of land rights in land management.
- xii. Improvements in land access, distribution, and prioritization of land issues in national development planning.
- xiii. Land for production and economic activities.
- xiv. Equality and land justice.

2.6 Key Issues Addressed by the National Land Policy

The National Land Policy (NLP) addresses several key issues critical to land governance in The Gambia. One of the major challenges is land tenure and administration, where tenure insecurity remains a significant problem, particularly for customary landowners who lack formal registration. The country faces overlapping land ownership claims, weak administration structures, and poor record-keeping, making land dispute resolution inefficient and time-consuming. The absence of a comprehensive land use planning and management framework has

further exacerbated these issues. Weak enforcement of zoning laws, unplanned urban expansion, and the degradation of environmentally sensitive areas have contributed to the growing problem of land mismanagement.

Land disputes and conflicts are prevalent, with delays in court processes, multiple sales of land by local authorities, and inheritance conflicts fueling tensions. These disputes are worsened by environmental and resource management challenges, including deforestation, wetland encroachment, and weak legal enforcement against environmental degradation. The lack of clear policies to regulate and protect forests, waterways, and natural resources further undermines sustainable land management. Additionally, social and community issues remain a concern, with women, youth, and Differently Abled Persons (DAPs) facing discrimination in land ownership and decision-making. Gambian women married to non-Gambians often encounter barriers to land inheritance, while youth have limited access to land for recreational and developmental purposes.

From an economic perspective, high land prices and rental costs make land inaccessible to many Gambians. Unregulated sales to foreigners and the exploitation of buyers by estate agents and middlemen further inflate prices, making homeownership and land acquisition increasingly difficult. The legal and institutional framework also requires urgent reform, as outdated land laws do not align with modern realities. Corruption and inefficiencies in land administration, coupled with the reliance on paper-based documentation, lead to delays, fraud risks, and poor service delivery.

Another pressing issue is the lack of affordable housing and shelter, particularly for vulnerable groups. High rental costs and limited financing options for homeownership make it difficult for many citizens to secure adequate housing. Additionally, infrastructure and development problems persist, including poorly planned road networks, a lack of emergency access routes, and bureaucratic delays in obtaining building permits. Informal settlements continue to expand due to tenure insecurity, creating challenges in integrating these communities into formal urban plans. The NLP seeks to address these issues through comprehensive policy reforms, legal updates, and institutional strengthening to ensure equitable access to land and sustainable land management for all Gambians.

2.7 The Structure of the Policy

The **National Land Policy (NLP) 2026-2035** is structured into **eight chapters**, each addressing key aspects of land governance, tenure, administration, and management in The Gambia.

The policy begins with **Chapter 1: Background to the National Land Policy**, which provides an overview of land governance challenges, the historical evolution of land tenure, and the rationale for policy development. It highlights issues such as tenure insecurity, weak land administration, and uncoordinated land use planning.

Chapter 2: National Land Policy Framework sets out the vision, goals, and guiding principles of the policy, emphasizing equitable access, sustainable land use, and transparent governance. It also defines the key challenges the policy seeks to address, including land conflicts, legal gaps, and institutional inefficiencies.

Chapter 3: Land Tenure and Land Administration Framework discusses land ownership structures, including Customary, Freehold, and Leasehold tenure. It outlines the role of

government institutions in land administration, highlights barriers to equitable access, and introduces reforms to enhance tenure security and responsible land investment.

Chapter 4: Land Use Planning and Land Management Framework examines the state of land use planning, identifying challenges such as rapid urbanization, informal settlements, and environmental degradation. The policy proposes strengthening zoning laws, spatial planning, and environmental protection to ensure sustainable land development.

Chapter 5: Land Legal Framework focuses on the laws governing land tenure, administration, and dispute resolution. It highlights gaps in existing land laws and recommends legal reforms to streamline land registration, titling, valuation, and taxation.

Chapter 6: Land Rights Administration and Institutional Framework addresses inefficiencies in land governance, such as overlapping mandates, weak institutional capacity, and outdated record-keeping systems. The policy proposes modernizing land administration through digital systems, improving coordination, and strengthening local governance structures.

Chapter 7: Land Issues Requiring Special Intervention identifies key areas that need targeted policy actions, including land access for women, youth, and vulnerable groups, resolving land disputes, and enhancing climate resilience. It also discusses strategies for regularizing informal settlements and managing environmentally sensitive areas.

Chapter 8: Land Policy Implementation Framework provides a 10-year roadmap (2026-2035) for policy execution, detailing institutional arrangements, capacity building, financing mechanisms, and monitoring & evaluation (M&E) strategies. A National Land Policy Implementation Unit (NLPIU) will oversee implementation, with regular reviews to assess progress and adjust strategies as needed.

This structured approach ensures that the policy comprehensively addresses land governance challenges, strengthens tenure security, enhances investment, and promotes sustainable land use in The Gambia.

In formulating each Policy Statement and implementation strategy the draft policy has given due consideration to the following factors:

- i. The significance of views expressed by stakeholders throughout the several consultations and validations processes;
- ii. Consistency with the vision, goal, and objectives of the national land policy;
- iii. Professional suitability and feasibility of the policy options proposed, weighing the possible risk of jeopardizing the process of the overall socio-economic development of the Gambia as a whole;
- iv. Regional and international “best practice” from:
 - a. International best practices including the sustainable development goals and the environmental safeguard framework;
 - b. Approximation to practices of sister jurisdictions with similar historical and political experiences as well as African Union Guidelines to Member States on the Formulating of Land Policies; and
 - c. Past and current experiences of other African countries;
- v. Expert opinion.

CHAPTER 3: LAND TENURE AND LAND ADMINISTRATION FRAMEWORK

3.1 Introduction

Globally, land tenure and administration are essential components of a functioning society and the Gambia is not an exception. Thus, land tenure and land administration govern how land is owned, used, transferred, and managed, ensuring fair access and long-term development. This policy defines the issues related to land tenure and administration, including definitions, importance, types, methods, and problems. Essentially, land tenure refers to the relationships and arrangements that define how individuals or groups hold, use, and control land. It encompasses the legal rights and responsibilities associated with land ownership, access, and management.

3.2 Who Owns Land and Types of Land Ownership/Tenure System (Freehold, Leasehold, and Customary)

The question, “Who owns the land?” often evokes disputes among people who lay claim over land ownership in The Gambia. While land is generally acknowledged to be free gift of nature to humankind, individuals or groups that have a legitimate and cultural ownership claim to land make the land ownership question one of the most challenging in history. For this reason, land ownership is a complex topic with different models around the world. While some countries have centralized systems, others have more complex arrangements. Land tenure systems vary across cultures and regions, reflecting historical, social, and economic factors. Understanding these different systems is essential for effective land administration and management.

The land question facing The Gambia has its origins in geo-political, economic, social and demographic factors more recently compounded by emerging global and strategic imperatives.

In the Gambia, there is a tripartite land tenure system:

- Freehold
- Leasehold
- Customary

However, we also have informal settlements, which are strictly discouraged.

3.3 Land Tenure Systems in The Gambia

The Gambia, like other Anglophone West African countries, has a land tenure system that allows land ownership based on how it is used.

Policy Statements

- a. All land in the Gambia must be registered/titled (Lease and Certificate of customary ownership).
- b. Land will be categorized as customary, freehold and leasehold land
- c. All land tenure systems will be defined in detail to confer cultural, social, economic, environmental and political security to all land owners, occupiers and users.

- d. The administration and use of all land tenure systems will be regulated by the state to ensure compliance with physical planning and development control regulations and guidelines for orderly development.

3.3.1 Customary Tenure

Customary tenure is a system of land ownership based on the customs and norms of the people to whom they relate. The land is usually owned by the indigenous communities and managed for their benefit.

The Gambia's legislation recognizes customary land ownership. The Provincial Land Act (Now called the Lands (Regions) Act) cited above clearly states that the rights of the indigenous inhabitants of the provinces to use and enjoy the provinces' lands and the natural fruits thereof should be preserved” and that “existing customary law regarding the use and occupation of such land should be preserved as far as possible”. The legislation stipulates that “the occupation and use of a province’s land by indigenes will be governed and regulated by the customary laws obtained in the localities in which such lands are situated”. The customary system allows for the sale, lending, rental, inheriting and gifting of land.

Policy Statements

- a. The state will recognize customary tenure in its own form to preserve the historical rights of the indigenous people.
- b. The state will establish a land registry system for the registration of Land rights under customary tenure.
- c. The state will Legalize the Certificate of Customary Ownership (CCO)

Strategic Actions

To facilitate the evolution and development of customary tenure in relation to social, economic, political and other factors, government will take measures to:

- i. Design and implement a land registry data to support the registration of individual land rights under customary tenure.
- ii. Issue certificate of customary ownership based on customary land registry that confers rights of the indigenous people.
- iii. Document customary Land tenure rules applicable to respective communities.
- iv. Promote systematic demarcation as a measure to reduce the cost of registry rights under customary tenure.
- v. Prepare an inventory of common property resources owned by communities and vest these resources in the communities to be managed under their customary law prevailing in their respective communities.
- vi. Undertake mapping and digitization of all customary lands.

To facilitate the design and evolution of a legislative framework for customary tenure, the government will:

- i. Amend the State Lands Act (Cap 57:02) to permit customary rights of ownership of Land as stated in the Land Acquisition and Compensation Act 1991.
- ii. Modify the rules of transmission of land rights under customary tenure to guarantee equality and equity.
- iii. Make provisions for joint ownership of family land by spouses.
- iv. Recognize the roles of customary institutions in making rules governing land, resolving disputes and protecting land rights.

- v. Define family and individual land rights, from the communal rights under customary land tenure and distinguish the rights and obligations of customary institutions vis-à-vis those of the community and individuals, and
- vi. Provide for registration of customary land held under trusteeship by Kabilo heads, family heads or traditional leaders on behalf of the community, family and individuals in the name of the trustees/trustee.

To strengthen local authorities and administrative institutions, government will take measures

- i. Support local authorities by training them in record-keeping and providing land document storage facilities
- ii. To recognize and enforce decisions of the local authorities by local government and state institutions ;
- iii. Ensure full legislative backing for local authorities as mechanism of first instance in respect to land rights allocation, land use regulations and land dispute under customary tenure.
- iv. Ensure that the decisions of local authorities uphold constitutional rights and obligations with regards to gender equity, DAPs, and youth. Develop guidelines and procedures under customary land tenure for the allocation and distribution of land tenure for the management, allocation and distribution of land complying with the principles of equality and natural justice

3.3.2 Freehold Tenure (fee simple absolute)

Freehold land tenure is an absolute right to land that has no term limit on use. This means that the land is the owner's exclusive property in perpetuity subject to applicable law. The biggest advantage of purchasing a freehold is that you own the land free from the State.

Policy Statements

- a. The government through its responsible Ministry will exercise regulatory powers on freehold tenure in compliance with physical planning standards, guidelines and regulations for orderly development.
- b. Government will ensure registration of all freehold lands in the Gambia.

Strategic Actions

Government will impose and put in place measures to enforce conditional covenants under freehold land tenure to regulate its use and development.

3.3.3 Leasehold Tenure

Leasehold tenure is the right to utilize land belonging to the State for a specified amount of time; typically, occupiers have between 21 to 99-years lease from the state. The lessee has the right to inhabit and utilize it according to the lease conditions. A leasehold property owner exercises ownership rights over the land, but the length of occupancy is typically limited by a number of years stipulated in the lease. The Ministry of Lands, Regional Government and Religious Affairs and its technical departments (Department of Lands and Surveys and Department of Physical Planning and Housing) measures and records the parcel borders, and then creates a map indicating ownership and particular conditions for land usage. However, there are constraints on title deed control by relevant government authorities.

Policy Statements

- a. The government will limit the duration of the lease term to non-citizens.
- b. Government will uniformly grants a lease term for all leases except for non- Gambians. (Lease term should be based on the purpose of lease)
- c. The government will encourage vertical leases of properties.
- d. Government will legislate land coverage for different uses e.g. standards for residential plot size, commercial, industrial, and others.

Strategic Actions

- i. Amend the relevant provisions of the State Lands Act 1991 to restrict long term leases to non-citizens.
- ii. Provide a clause in the State Lands Act 1991 for exercise of reversionary rights of the government to comply with the first-option of renewal to the current leasee.
- iii. Impose periodic reviews to enforce compliance with use and development conditions in leasehold covenants upon renewal or extension.
- iv. Introduce a new leasehold typology to encourage vertical leasing (high-rise developments) and
- v. Regulate land coverage sizes.

3.4 Facilitating Equitable Access to Land

Gambians, regard access to land as a fundamental right. Indeed, every Gambian has need for land, not necessarily for the land itself, but for subsistence, for human settlement (residence) and for investment purposes. For the majority of Gambians, particularly women in the Provinces, land is a crucial resource in their lives. Invariably, it is a principal source of livelihood and material wealth. However, the great majority of women do not have ready access to land and most of them could be described as landless as they are invariably tenant farmers engaged in subsistence agriculture. Over the years, for a multiplicity of reasons, some of which will be highlighted below, the demand for access to this basic resource has never been satisfied. The problem of access to land is also inextricably linked to the tripartite system of land tenure in force in The Gambia. Where access is sought to land in The Gambia the following factors need to be taken into account:

- a) **The status of the land;** that is, whether it is State/Government land, Public land or private land (defined to include freehold tenure, customary tenure, leasehold tenure). At present State lands are available only in the state Land Area and access to such lands is administered by the Minister of lands in accordance with the provisions of the State Lands Act, 1991.
- b) **State Land Allocation:** The Government of the Gambia allocates land for residential, industrial, commercial and institutional purposes to give access to land for all. The allocation of land for residential is for only Gambians whilst the rest are applicable to both Gambians and Non- Gambians.

Policy Statements

- a. Government will provide a clear description of temporal land allocations in the State Lands Act 1991
- b. Government will provide clear guidelines on state allocations procedure to ensure equitable access to land.

Strategic Action

Government will review the laws and acts related to State land allocations.

3.4.1 Discrimination and Denial of Land Rights of Women, DAPs, and Youth

The land tenure systems recognized in The Gambia must guarantee access to land and security of tenure for all citizens. They must ensure equity in the distribution of land resources, eliminate discrimination in ownership/access and transmission of land resources, and preserve and conserve resources for future generations.

Though, protection from discrimination on grounds of gender, ethnicity, race and other forms of discrimination is one of the fundamental rights guaranteed by the Constitution, the legislature has not redress the situation by outlawing discriminatory traditions, customs and practices in land ownership/access, occupation and use.

Policy Statements

- a. Government will undertake to amend the Constitution so as to enact provisions to protect the rights of women to access, own and use land generally;
- b. This policy will ensure provisions be inserted in the Constitution to protect women's rights generally and rights relating to land in particular will be protected in the basic land status to be enacted after the coming into force of this policy.
- c. Government will ensure that appropriate provisions are inserted in the relevant land laws to ensure and protect equal rights of inheritance and ownership of land for Women, Youths, DAPs and Marginalized group.
- d. Government will ensure that citizens can acquire land throughout The Gambia without discrimination.
- e. Government will ensure that citizens can exercise their tenure rights and related services without discrimination.

Strategic Actions

To protect the rights of women, the Government will:

- i. Enact a law that will provide effective protection of women's, Youths, DAPs and Marginalized groups rights to land and other related resources and services;
- ii. Enforce existing laws and establish a clear legislative framework to protect the rights of women, Youths, DAPs and Marginalized group in issues of access to land and use of land-based resources and to exercise their tenure rights in general;
- iii. Enhance and guarantee women's access to land and their security of tenure; facilitate the acquisition of land by women in their own right not only through purchase but also through government allocations;
- iv. Make provision for joint spousal and adult titling registration and documentation of land rights, and for joint spousal consent to land disposals, applicable for all forms of tenure;
- v. Facilitate proportionate representation of women in institutions dealing with land at all levels;
- vi. Amend the relevant sections of the Land Regions Act Cap 57:03 to conform to the current situations on customary tenure rights applicable in the provinces between Indigene and non-indigene.

3.5 Access to Land for Responsible Investment

Government and its agencies should do more to create an environment that attracts responsible investment, both domestic and foreign. At present in the state Land Area, a non-citizen can only acquire a leasehold interest for a term of twenty-one years for residential or other purposes

(commercial/industrial) renewable for the same period The corresponding period under the Land Regions Act is Fifty years which is subjected to Minister's approval.

Policy Statements

- a. Government will create an enabling environment to attract responsible investments (both domestic and foreign) in accordance with established laws and procedures without exceptions.
- b. Government will adopt measures to ensure that investors act responsibly, respect human and land rights, do no harm to food security, local livelihoods and the environment.
- c. Government will ensure an MOU between potential investors and original Land owners (Family, community and clans) for responsible investments.
- d. Government will encourage leasing of community land in the name of the community for further subleasing to potential investors.

Strategic Actions

- a. Non-citizens will not be granted interest in land greater than leasehold for 50 years in respect of all land in The Gambia; the exact term to be determined in accordance with the investment objectives of the non-citizen;
- b. Land area to be acquired for any single investment will generally not exceed (2hectares). Additional land may be acquired in accordance with guidelines to be developed; depending on the type of business.
- c. Government and all agencies involved in attracting responsible investments, both local and foreign, will take measures to:
 - i. Support a community-led land bank scheme for responsible large-scale investments, with clearly defined rules on participation and decision-making;
 - ii. Set up clear and transparent procedures and criteria to ensure the full participation of all relevant stakeholders, landowners and land users in the identification of land suitable for responsible investment or for the purpose of allocating land to investors;
 - iii. Review, consolidate and strengthen the GIEPA Act 2015 to encourage responsible investments;
 - iv. Set up clear and transparent procedures to include adherence to best practices for responsible agricultural investments and land based investments in The Gambia
 - v. Require investors to recognize and respect legitimate tenure rights;
 - vi. Establish clear guidelines for obtaining free, prior and informed consent of communities, land owners and users where land investment is proposed and for transactions that affect land tenure rights, partnership agreements and revision clauses in long term land leases with regard to compensation;
 - vii. Conduct independent impact assessment to identify the potential, negative and positive effects prior to the allocating land for responsible large-scale investments to ascertain tenure rights of men and women, food security and sustainable environment.
- viii. Address power imbalances between tenure rights holders and investors by promoting inclusive local land governance structures and ensuring the availability of independent legal aid and other relevant professional assistance;
- ix. Establish a legal assistance fund for legal and paralegal assistance to communities, land owners and land users in negotiation with potential large scale land investors;
- x. Establish a mechanism to monitor the outcome of allocation of land, including the gender-differentiated impacts on food security and poverty eradication as well as their impacts on social, economic and environmental objectives and introduce corrective measures as required;
- xi. Facilitate access to grievance redress mechanisms for disputes over investments and require large-scale investors to establish effective internal complaints mechanisms.

- xii. Provide reliable and easily accessible land-based information to guide potential responsible investors;
- xiii. Maintain and update comprehensive, publically accessible inventories of all large-scale land transactions in the country, including leases, maps, and acknowledgment agreements.
 - d. Government will require that:
 - i. Depending on the type of activity and location of the land, guidelines will be established for setting ceilings on the size of land controlled by any one person, group of persons or organizations. Similar guidelines to prevent extreme land fragmentation will also be determined;
 - ii. Investors seeking to acquire land for investment will be required to submit a sound feasibility study (or studies) of the proposed activity (or activities) and evidence of ability to develop the said parcels or plots;
 - iii. Planning and development conditions will be strictly monitored and where necessary, punitive fines and withdrawal of tax incentives imposed to prevent speculative holding of agricultural and urban development land, regardless of the tenure classification.

3.6 Recommendations Including Innovations and Moving Forward

The following are suggested recommendations in moving forward with land tenure and land administration process in The Gambia. They are as follows:

- i. Improving access to land to avoid double or multiple claims by different persons.
- ii. The government must demonstrate political resolve to discipline land grabbers and corrupt land administration activities.
- iii. Improving on the existing manpower in terms of competence and productivity in managing land administration in the country.
- iv. Legislative reform on the existing land tenure laws and administrative process.
- v. Proper mapping and clarification of boundaries with pillars and visible demarcation marks among various communities to dispel land disputes.
- vi. The preservation and conservation of the forest and cultural heritage sites or reserve areas.
- vii. Official recognition of customary land ownership.
- viii. Prompt compensation of those whose lands were confiscated in accordance with the law.
- ix. Return of (customary) lands forcefully grabbed by authorities and individuals.
- x. Streamlining of operational procedures between DLS and DPPH.
- xi. Digitalization of land tenure and land documentation processes.
- xii. Strengthening of existing land administrative offices and sensitization of the members of the public of land rights and regulations through public outreach campaigns using national dailies, radio/television jiggles, mosques/churches and village level awareness.
- xiii. Provision of technical equipment, accessories and other working tools for the departments' efficient and effective service delivery to the general public.
- xiv. Acquisition of appropriate technology for the technical departments.
- xv. Decentralized the services of the technical department across the country.
- xvi. Land banking for social and recreational services as well as for investment and industries.
- xvii. Establishment of community forest and woodlots for greening purposes.

CHAPTER 4: LAND USE PLANNING AND LAND MANAGEMENT FRAMEWORK

4.1 Introduction

The Gambia has a total area of 11,300 km² (of which 11% is surface water). The country encompasses land on the north and south banks of the River Gambia, stretching for approximately 400 km inland, and is less than 50 km wide. The River Gambia traverses the country from east to west. A single neighboring country, Senegal, surrounds The Gambia on three sides, and the Atlantic Ocean lies to the west.

The Gambia is a low-income country with a low level of human development, ranking number 172 among 189 countries worldwide in terms of the Human Development Index². Preliminary data indicates that in 2024 the country's gross domestic product (GDP) accounted for GMD174 billion (nominal), which is equivalent to approximately GMD 72,500, or USD 1,120 per capita³.

As the smallest continental country in Africa, The Gambia is located in a relatively central location within the Economic Community of West African States, ECOWAS⁴.

Land use planning is a critical process that involves managing the development and use of land in a way that balances economic, social, and environmental needs. It is a complex and multifaceted discipline that plays a crucial role in shaping communities, protecting natural resources, and promoting sustainable development. The Policy aims to explore the importance of land use planning, key challenges, and potential solutions to ensure effective and sustainable land use practices.

It is important to note that land use planning is essential in promoting sustainable development, resource management, community well-being and resilient climate change.

4.2 Current State of Land Use Planning

According to the Physical Planning and Development Control Act, 1991 and its subsidiary legislation (draft plan regulation) it is indicated that there shall be four categories of draft plan ranging from National Draft Plan, Regional Plans, Development Plans and Local Plans. In the same vein, there shall be an established National Planning Board to initiate the formulation of National and Regional Draft Plans, nevertheless there was no established board until 2020. This has led to the absence of these Draft plans.

Despite the absence of the National and Regional plans, regional plans for Greater Banjul area, Brikama, Farafenni and Basse were formulated in 1985 under the guidance of the regional planning authorities of the respective regions and several local plans across the country.

The development plans were approved and partly implemented but it was never revised as directed under the Physical Planning and Development Control Act/Regulations. However, these plans are outdated after fifteen years of lifespan (year 2000).

4.3 Main Issues in Land Use Planning and Management

4.3.1 Inadequacy of Current Legislation

While there is no land policy in The Gambia, there are a number of pieces of legislation, and several subsequent and related laws and policies, most of which are outdated. As a result, land issues have not been approached or addressed in an integrated manner. The overlap that exists between state agencies responsible for land management has not been addressed or harmonized, and clear inter-village boundaries are not defined causing conflicts.

4.3.2 Fragmented Decision Making and Lack of Enforcement

This has led to fragmented decision-making processes and a lack of enforcement among multiple stakeholders causing conflicting land use decisions. Typical examples are: -

Note: Further explain the inter-sectoral conflicts

- Tourism Development Area: The Gambia Tourism Board (GTB) oversees the TDA while the MLGLRA regulates land under the State Lands Act, this dual control has led to conflicting land allocations, where land designated for tourism is simultaneously claimed by local communities or other state entities for example Department of Fisheries and Department of Geology.
- Banjul International Airport: Encroachments into the Airport buffer has led to growing land conflicts, with unauthorized settlements and developments posing risks to airport security and expansion.
- Environmental sensitive areas; are undergoing rapid degradation due to urban expansion, illegal land conversion, and unregulated activities. (Tanbi wetland, wetlands, Gazette forests, etc.)
- Geology (issuing of Mining license); Environmental/geologically sensitive areas including the TDA, forests, and wetlands, face degradation from unregulated mining, sand extraction and resource exploitation, threatening ecosystems, community livelihoods and sustainable land use
- Fisheries (Fish landing sites). Coastal fish land site are facing degradation due unregulated land allocation , construction and pollution, threatening livelihoods, marine biodiversity and sustainable coastal land use

4.3.3 Planning Issues

Planning in The Gambia faces a range of complex challenges. The country's urban areas, particularly the Greater Banjul Area, exhibit various planning issues that hinder sustainable development (state the issues). These issues encompass rapid urbanization, inadequate infrastructure, environmental degradation, informal settlements, and governance challenges. Addressing these problems requires a multifaceted approach that involves stakeholders from various sectors.

1. Rapid Urbanization

One of the most pressing planning issues in The Gambia is the rapid rate of urbanization. As rural-to-urban migration increases, driven by the search for better economic opportunities and services, urban areas are expanding at a pace that outstrips the capacity of existing infrastructure and services. The Greater Banjul Area including Brikama, is experiencing significant population growth, leading to overcrowding and increased demand for housing, water, sanitation, and other

essential services. In addition, rapid urbanization is being realized in rural growth centers which are experiencing similar challenges.

2. Inadequate Infrastructure

The infrastructure in Gambian urban areas is often inadequate to meet the needs of the growing population. Roads, water supply systems, and sewage facilities are frequently insufficient and poorly maintained. This inadequacy not only affects the quality of life for residents but also hampers economic activities. For example, the road networks in urban areas are often congested and in disrepair, leading to traffic delays, pollution, and accidents. Additionally, unreliable electricity supply disrupts both residential life and commercial activities, undermining economic productivity.

3. Environmental Degradation

Urbanization in The Gambia has also led to significant environmental challenges. Deforestation, soil erosion, and pollution are common problems. The expansion of urban areas often encroaches on wetlands and other ecologically sensitive areas, leading to habitat destruction and loss of biodiversity. Furthermore, the lack of proper waste management systems results in the accumulation of solid waste in streets and waterways, exacerbating pollution and health risks for urban residents.

4. Informal Settlements

The proliferation of informal settlements is another critical issue in Gambian urban planning. Many new urban residents, unable to afford formal housing, result to building makeshift homes. These informal settlements often lack basic amenities such as clean water, sanitation, access roads and electricity, and are typically located in environmentally vulnerable areas. The lack of legal recognition for these settlements means that residents have little security of tenure and are often at risk of eviction.

5. Governance Challenges

Effective urban planning in The Gambia is further complicated by governance challenges. There are issues related to weak institutional capacity, lack of coordination among different governmental agencies, and limited financial resources. Urban planning authorities often lack the technical expertise and funding needed to develop and implement comprehensive urban plans.

6. Land Use and Zoning

Land use and zoning regulations in Gambian urban areas are frequently outdated and inadequately enforced. This leads to haphazard development patterns, where residential, commercial, institutional and industrial areas are not properly delineated. There are no clear classification of different levels within a specific land use zone. The lack of clear zoning regulations can result in incompatible land uses, such as factories located near residential areas, which can pose health risks to residents and reduce the quality of life.

7. Housing Shortage

The housing shortage in The Gambia's urban areas is a significant issue. The rapid population growth has outpaced the construction of affordable housing, leading to high demand and rising prices. This shortage forces many residents into substandard housing conditions. The government's efforts to address the housing deficit are often hampered by limited resources and the high cost of construction materials. Furthermore, there is currently no housing policy that addresses the housing challenges despite the fact that the government is committed to providing affordable housing.

8. Transportation

Transportation infrastructure in urban areas is another area of concern. Public transportation options are limited and often unreliable, leading to heavy reliance on private vehicles and resulting in traffic congestion and pollution. The lack of pedestrian and cycling infrastructure also makes non-motorized transport unsafe and unattractive, contributing to the overall transportation challenges.

9. Climate Change Resilience

The Gambia is highly vulnerable to the impacts of climate change, such as rising sea levels, increased temperatures, and extreme weather events. Urban areas, particularly coastal cities like Banjul, face significant risks from flooding and storm surges. Integrating climate change resilience into urban planning is crucial to mitigate these risks and protect urban populations. This includes the development of climate smart infrastructure, robust flood management systems, the preservation of natural buffers such as mangroves, and the promotion of sustainable building standards and practices.

4.4 Challenges in Land Use Planning and Management

4.4.1 Environmental Issues

Rapid population growth accompanied by unplanned expansion of human settlements, is threatening the health of the environment and natural lands. Road construction and other infrastructure developments have caused major disruption in the processes and functions of key ecosystems. For instance, the OIC complex in Bijilo has led to the de-gazette of the Bijilo forest park, the NAWEC complex built within the Salagi forest, etc.

Other significant and related factors that are contributing to environmental degradation include the cutting of firewood, overgrazing, destructive fishing and oyster harvesting methods, and dumping of household and industrial waste into wetlands adjacent to urban areas and this has erased the original settlement boundaries.

4.4.2 Economic Issues

The land utilization pattern in the Gambia is dominated by extended residential uses especially in the urban areas. However, the provision of employment opportunities, commercial activities and production has not followed the same trend. As such, land for economic activities is becoming limited in the urban area hindering employment opportunities.

The Banjul port being the main source of importation for businesses and considering its location coupled up with the high cost of land within the urban area, businesses are forced to establish in the Kombos which by far has cost implications.

4.5 What Is Land Use Planning and Management

(Land use) is the term used to describe the human use of land. It represents the economic and cultural activities (e.g., agricultural, residential, industrial, mining, and recreational uses among others) that are practiced at a given place (US EPA). Land use is characterized by the arrangements, activities and inputs people undertake in a certain land cover type to produce,

change, or maintain it. Wherein, Land cover is defined as the observed physical cover on the earth's surface, including vegetation (natural or planted) and human constructions (FAO)

Land Management on the other hand refers to all activities associated with the management of land and natural resources that are required to achieve sustainable development (Enemark, 2005). The institutions tasked with such a role are known as land administration systems, with the mandate to allocate, authenticate, lease, license, issue, regulate, adjudicate and investigate issues concerning land. This mandate is derived from points of law, whether it be the constitution, an act or regulations created based on a stipulated act within the laws of a country. As there are multiple land administration systems in the Gambia with overlapping interest areas and differing missions and administrative structures, there is a need for a universal land policy, which shall harmonize the actions and intentions of all land administrative systems within The Gambia

Land use policy is defined as; the legal and policy frameworks of a state or government guiding land acquisition, allocation, utilization, and consumption by different segments of society. (Adisa 2018)

4.6 Land Use Planning Principles

Effective and sustainable use and management of land resources are vital for the benefit of all Gambians and depends heavily on proper land use planning. Such planning must prioritize the needs of marginalized and vulnerable individuals, while addressing key areas such as social stability, housing security, regional development, environmental preservation, and sustainable socio-economic growth.

Presently, The Gambia lacks an up-to-date land use plan to guide development. However, there is a draft land use plan for the GBA awaiting approval. Planning has fallen behind development, leading to uncontrolled growth and inefficient land use. This situation calls for immediate intervention to prevent further wastage of valuable land resources.

In the Gambia the planning areas consist of the Greater Banjul Area (GBA) and five administrative regions. For sustainable national development, it is essential to formulate a comprehensive National Land Use Plan, alongside urban and regional plans. These measures will provide the much-needed framework for balanced development and structured decentralization, setting the foundation for a more prosperous and equitable future.

Policy Statements

To realize an effective land use principle, the government will;

- a. Develop and efficiently implement a controlled National Land Use Plan to guide land allocation and all physical development in consultation with the relevant stakeholders.
- b. Develop and implement Urban and regional spatial plans, integrated with comprehensive physical development plans coupled with physical development plans, supported by the necessary legal frameworks.
- c. Prepare local plans at the district and town levels, ensuring alignment with regional and national plans.

Strategic Actions

To efficiently implement the land use policy principles and policies, the government will.

- i. *Declare all land within its territory as a planning area*

- ii. Reconcile and prioritize public, community, and private interests to meet the diverse needs of rural, agricultural, range land, industry and investment, urban, and environmental uses. Spatial planning shall account for all tenure rights and address overlapping existing rights through inclusive consultations with relevant stakeholders.
- iii. Publicly disseminate laws and policies related to controlled spatial planning, ensuring stakeholder engagement and meaningful consultation.
- iv. Ensure the development of a National Spatial Development Plan, integrated with a comprehensive registration system that acknowledges the interconnected relationships between natural resources and incorporates traditional and cultural aspects of land use through stakeholder consultations.
- v. Ensure transparency by clearly demonstrating how public participation is incorporated into final spatial plans.
- vi. The Government will establish safeguards to mitigate corruption and prevent the improper use of spatial planning powers, particularly in relation to changes to regulated land use.
- vii. Ensure that there is a wide public participation in the development of planning proposals and the review of draft spatial plans to ensure that priorities and interests of communities including indigenous peoples, women, vulnerable groups and agriculturally based communities are reflected.
- viii. Spatial planning will take duly into account the need to promote diversified sustainable management of land, and land-based natural resources, including agro-ecological approaches and sustainable intensification.
- ix. Ensure that a functioning monitoring and enforcement system is developed and implemented.
- x. Land hoarding shall be discouraged through the strict enforcement of development control strategies and the application of robust planning and land use regulations, which will be documented/leased in the name of the communities before and to be through regional and community-led processes,
- xi. The government will reserve sizeable land parcels for investment purposes. Allocation to investors will be subject to term restrictions aligned with the duration of the investor's operations. This process will be guided by verified feasibility and environmental studies, approved project implementation plans, and the applicant's demonstrated capacity to develop the allocated land.
- xii. Government will enforced land allocated to be used for that particular purpose, and monitor land use change. The government will establish land size ceilings based on factors such as use, location, and investment viability.

4.7 Land Use Planning

Land use planning and regulation systems are processes in which governments manage and regulate how land is used within The Gambia. Currently, there is not up-to-date land use plan and regulation in use to guide land use and land management. Physical planning strongly depends on the discretion on Planning Officers leading to strong disparities in land use in The Gambia and promoting fast urban sprawl and reduction of the vegetative cover with strong climate and environmental effects.

4.7.1 National and Regional Land Use Planning System

In consultation with the current Land Use planning and regulation system, there is a strong need for integrated land use and regulation systems coupled with decentralized development plans to guide Government in fostering sustainable pro poor land use planning and development.

Policy Statement

Government will establish a comprehensive national land use planning and mapping system, based on climate considerations, agro-ecological and economic potentials and social requirements, aligning with the existing land tenure systems.

Regional planning structures are essential manage urban growth that extends beyond administrative boundaries. Spatial planning in these contexts should provide a framework for the coordination of regional policies and major infrastructure projects, synchronizing development standards, comprehensively addressing the ecological impacts of urbanization, and a space for public discussion of these issues.

Strategic Actions

The Government will:

- i. **Develop Comprehensive Physical Development Plans:** Formulate Strategic Spatial Plans at national, regional, local and village levels focusing on critical areas; such as mining and agro-industrial areas, tourism development areas, ecologically and climate sensitive areas, etc.;
- ii. **Established Zoning Regulations:** Create strategic spatial development plans with zoning across all administrative levels to guide human settlement development, promote responsible investment, and ensure sustainable use of land and natural resources, respecting local land use practices and tenure rights
- iii. **Update Lands Laws and Urban Policies;** Revise and enact land laws, zoning regulations and urban policies that promote environmentally sustainable and climate resilient urban and rural development. This includes leveraging planning tools to guide development collaborating with local councils to manage public spaces, and utilizing planning laws to capture increasing urban and regional values.
- iv. Identify and map areas which are prone to natural disasters like floods, landslides, drought, etc. for national preparedness by relevant sectors.

4.7.2 Regional and Agricultural Land Use Planning

The Urban and rural land is a continuum in the Gambia where regions are determined administratively with urban and rural settlement are engulfed and recognized as a region.

This plan is required to determine, monitor and regulate Regional and agricultural land use of the Gambia. However, there is currently no existing rural and agricultural land use plan existing or being implemented to determine the growth and trend of land use development at regional levels, the current trend involves Physical Planners using their discretion to determine the land use of a Regional and rural areas which is biased and non-goal driven, indicating a strong need for such policies

Policy Statement

To efficiently guide and improve regional and agricultural Land use planning, Government will pursue effective and efficient regional agricultural land use planning.

Strategic Actions

Government will:

- i. Review and update the current laws related to planning to provide for regional land use planning;
- ii. Recognize regional and rural settlement planning as a tool for sustainable resource management, alignment of infrastructure standards and provision of public spaces;
- iii. Provide for regional land use strategies to assist communities achieve optimum productivity;
- iv. Make regional agricultural land use planning an integral part of land management process;
- v. Secure/preserve wetlands, cattle tracks and waterways exclusively for agricultural development, drainage and conservation of biodiversity (not for construction of dwelling houses and playing fields or otherwise);
- vi. Ensure the sustainability of land for agricultural development programs; develop specific agricultural land use plans for every region and district. Such plans shall define productivity targets and principles, land sizes; plans for pastoral land uses and ecological services in consultation with appropriate public constituencies and government agencies;
- vii. The Ministry of Agriculture will develop comprehensive training packages in land use and capability assessment for trainers of small farmer organizations to facilitate best practice in land resource management.

4.8 Environmental Management Principles

4.8.1 Conservation and Sustainable Management of Land Based Natural Resources

The Gambia currently faces a number of environmental problems including environmental and natural resource degradation such as forest, Nature reserves, wild life habitats, wetlands and water bodies. These are degraded due to unregulated or monitored use of land in an environmentally friendly way.

To achieve an integrated and comprehensive approach to the management of land based natural resources, all policies, regulations and laws dealing with land based natural resources shall be harmonized with the framework established by the 1994 National Environmental Management Act.

Policy Statement

Government will adopt an integrated and comprehensive approach to management of land based natural resources to make sure they are optimally used and sustainably managed to ensure that all land use practices conform to land use plans and sustainable environmental concepts. Effectiveness of the frameworks shall also be enhanced to maintain the integrity of the future generations.

Strategic Actions

To sustainably manage land based natural resources, the Government will develop appropriate legal and institutional framework to:

- i. Develop an incentive scheme to encourage preparation of participatory environmental action plans by communities and individuals living near environmentally sensitive areas

- to preserve cultural and social-economic aspects and promote benefit sharing between land resource management institution, Authorities and local communities.
- ii. Identify, map and gazette critical wildlife migration and dispersal areas and corridors in consultation with the communities and individual land owners;
- iii. Provide incentives and rewards to encourage restoration, maintenance and protection of natural resources.
- iv. Create an effective institutional framework and capacity to implement International Conventions especially those touching on access to land based natural resources; and

The government will take measures to;

- i. Encourage the development of wildlife sanctuaries and nature reserves and involve local communities and individuals neighbouring parks and protected areas in the co-management of protected areas;
- ii. Develop fit for purpose environmental standards for all land use and management sectors.
- iii. Develop land acquisition and compensation standards to compensate all affected land owners.

4.8.2 Human Settlement

Human settlements development is inhibited by inadequate physical planning coupled with rapid and haphazard growth of urban areas. Uncontrolled population growth and urbanization is taking place in the absence of an urban policy. Settlement is characterized by unplanned, inefficient use of land for shelter, poor infrastructure and basic services, leading to urban sprawl, infringement on prime agricultural land and environmentally sensitive areas such as wetlands, hilltops, real estate development and natural resources.

Policy Statement

Government will promote sustainable, inclusive and resilient human settlements in the Gambia, ensuring equitable access to housing, basic service, and infrastructure, while fostering environmental conservation, social equity and economic growth.

This policy and strategy framework will enable the Gambia to optimize land use, manage growth and sustainability, and enhance the quality of life for its citizens while protecting the nation's natural and cultural resources.

Strategic Actions

Government will:

- i. Develop a comprehensive national urban and regional policy
- ii. Develop a national housing policy
- iii. Develop a national resettlement policy and action plan
- iv. Ensure that land for human settlement is properly planned, with social and basic services allocated equitable and efficiently.
- v. Strengthen urban and regional land by using planning processes to prevent sprawl, wastage and hoarding
- vi. Implement appropriate legal framework to facilitate and regulate urban agriculture and synchronize with relevant sectoral policies.
- vii. Regulate sub-division of land in urban and rural areas in line with urban and regional approved development plan.
- viii. Put in place institutional mechanisms for conservation of quality of land for environmental conservation purposes.

- ix. Ensure strict enforcement of land use regulation in the Gambia's urban and peri-urban areas.
- x. Create incentives to attract settlement in regional or rural areas to free land for development.

4.8.3 Agriculture Management Principles

The Gambia has formulated a comprehensive national agriculture and natural resource policy. Land productivity and land sustainability for agriculture is well covered in ANR policy and has made it possible to identify the specific needs of agricultural land for optimal and sustainable use, as the policy clearly discloses that the Gambian soil is generally poor and have deteriorated over the years as a result of decline in natural forest cover, erosion and soil mining. The heavy alluvial soils in lowlands are described to be moderately fertile but difficult to work with manually.

Policy Statement

The Government will regulate the use of lands and water resources for agricultural production aligned with the Agricultural and Natural Resource policy.

Strategic Actions

The government will;

- i. Take measures to update the Agriculture and Natural resources (ANR) 2017-2026 Policy and other legal frameworks for environment and climate change, to take into account this policy.
- ii. Promote the exploitation of surface and underground water to increase agricultural production through irrigation and bore holes for multiple and off-season cropping.
- iii. Formulate a national soil policy in consultation with relevant stakeholders.
- iv. The Parks and wildlife biodiversity acts 2003 will be amended to take into account this policy.
- v. All policies of MDAs and other entities associated with land use planning, management and administration will be amended to take into account this policy.

4.8.4 Climate and Urban Environmental Management Principles

The Gambia is a Least Developed Country (LDC) that signed the United Nations Framework Convention on Climate Change (UNFCCC) in 1992 and a party to the Kyoto Protocol since June 2001 and the follow-up Sendai Framework which requires action to stabilize greenhouse gas emission to levels which promote development and evolution of ecosystems to adapt naturally to climate change, the country is already suffering from impact of climate change and variability which hampers the realization of the nation's recent development goals.

With the increasing adaptation to the impact of climate change is a growing challenge, as environmental degradation and disasters leave its victims exposed to poverty and migrate to better living conditions.

In this regards the government of the Gambia plan to develop a National Resettlement Policy Framework (RPF), which is intended to avoid or minimize any adverse impacts associated with physical or economic displacement, and to ensure arrangements are in place to mitigate any adverse impacts that may occur. The Gambia intends to apply the international principles, procedures, and standards of obtaining any sites for project use, if it would cause economic

displacement¹ or physical displacement.² The RPF would be used to utilize the existing legal and policy framework of The Gambia, incorporating any supplementary measures necessary to achieve consistency with internationally recognized standards.

Strategic Actions

The Government will;

- i. Introduce climate resilience and adaptation to develop natural adaptation plans for the urban areas
- ii. Work towards sustainable development by promoting compact, mix-use and transit-oriented urban development to reduce urban sprawl and carbon footprints.
- iii. Introduce waste management and pollution control by developing integrated waste management systems including recycling, composting and waste-to-energy initiatives.
- iv. Promote energy efficiency and renewable energy to implement energy- efficient building codes and retrofit programs for existing structures.
- v. Have plans for water resource management to improve urban water supply systems to ensure access to clean and reliable water for all residents.
- vi. Improve public transport and urban mobility by developing efficient, affordable and environmentally friendly public transportation systems to reduce reliance on private vehicles.
- vii. To promote a national sewage and drainage system to prevent erosion and ground water pollution.

4.8.5 Environmental Assessment and Audit as Land Management Tools

The Ministry of Lands, Regional Government and Religious Affairs, in collaboration with relevant stakeholders will initiate the development of a comprehensive National Land Use Plan. This plan will map and register State lands, customary lands, Areas for Tourism, Wildlife Conservation Areas and other State related land parcels (such as land acquisitions for development projects). The purpose is to create a reliable reference framework and provide accessible public information. The Gambia is committed to applying the principles, procedures, and standards recognized internationally when obtaining any sites for project use which may cause economic displacement or physical displacement. The Resettlement Policy Framework is intended to utilize the existing legal and policy framework of The Gambia, incorporating any supplementary measures necessary to achieve consistency with internationally recognized standards. The RPF would be referred to, to avoid or minimize any adverse impacts associated with physical or economic displacement, and to ensure arrangements are in place to mitigate any adverse impacts that may occur.

Strategic Actions

To guarantee environmental assessment and audit as land management tools Government will develop;

- i. Central Land information system for processes of all land management and land use affairs Cadaster mapping of all land within its territory coupled with digital recording systems.
- ii. Feedback mechanism and adaptative policies with strong monitoring enforcement and transparency systems
- iii. Capacity building and training schemes for personnel, raising public awareness and to incorporate technologies

- iv. To register all land with the suitable land use and a physical boundary demarcation

4.8.6 Integrating Rivers, Lakes, and Wetlands into Land Management

Rivers, lakes, wetlands, and other water bodies will be integrated into the National Land Policy as critical components of land use planning. Their sustainable management will prioritize environmental protection, equitable access, livelihoods, and economic development. Clear guidelines and zoning regulations will be established to safeguard these resources, prevent encroachment and pollution, and ensure alignment with national water management frameworks and international standards.

Policy Statement

To create climate-resilient and sustainable urban environments in The Gambia, ensuring healthy ecosystems, equitable development and adaptive communities that thrive in the face of climate change challenges.

Strategic Actions

- i. Define and enforce zones for conservation, agriculture, recreation, and other uses to safeguard water bodies.
- ii. Establish and apply laws to prevent encroachment, pollution, and unsustainable practices.
- iii. Use GIS and satellite technology to track water body conditions and ensure compliance.
- iv. Engage local communities and stakeholders in planning and decision-making processes.
- v. Align water body management with national development, climate, and disaster risk policies.

4.9 Policy Directions and Actions

To address these land use planning challenges, the following actions will be taken by government. :

1. **Strengthening Institutional Capacity:** Enhancing the capacity of land use planning institutions through the provision of adequate man power, training, technical support, conducive working environment and increased funding is essential for effective planning and implementation.
2. **Improving Infrastructure:** Investing in the development and maintenance of critical infrastructure, including roads, water supply, sanitation, and electricity, to meet the needs of the growing population.
3. **Promoting Sustainable Development:** Implementing policies that promote sustainable land use, protect environmentally sensitive areas, and encourage the use of green building practices.
4. **Upgrading Informal Settlements:** Regularizing and upgrading informal settlements by providing basic services, secure land tenure, and integrating them into the formal land use framework.
5. **Enhancing Public Transportation:** Developing a reliable and efficient public transportation system to reduce traffic congestion, pollution, and reliance on private vehicles.
6. **Ensuring Affordable Housing:** Develop and implement policies and programs to increase the supply of affordable housing, including public-private partnerships and

incentives for affordable housing development and to ensure that real estate agencies are regulated and monitored.

7. **Incorporating Climate Resilience:** Integrating climate change resilience into land use planning to protect against the impacts of climate change and enhance the sustainability of land uses.
8. **Fostering Community Participation:** Engaging residents in the planning process to ensure that their needs and preferences are taken into account and to build community ownership of physical development projects by planning with the people.

Addressing the land use planning issues in The Gambia requires a comprehensive and coordinated approach that involves all stakeholders, including government, private sector, civil society, with urban and rural residents. By tackling these challenges head-on, The Gambia can pave the way for more sustainable, resilient, and livable urban and rural areas.

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CHAPTER 5: LAND LEGAL FRAMEWORK

5.1 Introduction

The Gambia has a tripartite land tenure system namely leasehold, freehold/fee simple and customary land tenure systems.

Land is defined under section 2 the State Lands Act, 1991 to mean ‘*any land in The Gambia and includes lagoons, creeks, rivers, estuaries within the territory of The Gambia*’. This include all state land (Banjul and KMC) and designated state land (Kombo North, Kombo South and Kombo Central) all customary lands not yet registered or recorded to communities, as these are vested in the District Authority to be held by them for the benefit of the communities.

Under the State Lands Act, the state through the Minister of Lands is vested with the power to designate any land as State Land with the exception of land held in Fee Simple Absolute (Freehold Land). The Minister of Land in exercise of its powers has designated Banjul, Kanifing, Kombo North, Kombo South and Kombo Central as State Lands.

This Policy aims to address The Gambia’s complex land challenges arising from its tripartite land tenure system. Key issues include inequitable access to land, limited availability of land in urban areas, and insecure tenure due to the absence of a formal title registration system. Other challenges include poor land mapping and inadequate land information systems, unclear and conflicting customary tenure rules, overlapping statutory and customary jurisdictions, and a weak land administration framework. The bureaucratic complexities in land transactions, prolonged land disputes, gender-based discrimination in land ownership, inadequate protections against land grabbing, and an ambiguous administrative structure further hinder efficient land governance. This policy seeks to streamline processes, strengthen legal frameworks, and promote transparency, equity, and sustainable land management.

The following issues related to land legal frameworks have been discussed in detail in this chapter:

1. Legal Framework on Land Tenure and Land Administration
2. Legal Framework on Land Use, Planning, and Management
3. Legal Framework on Land Registration and Title
4. Legal Framework on Land Valuation and Taxation

The land ownership system in The Gambia comprises three main types of land holdings: freehold (estate in fee simple), leasehold, and customary tenure.

5.2 Legal Framework on Land Tenure and Land Administration³

The following are the legal frameworks related to land tenure and land administration:

- a) Constitution of The Gambia 1997
- b) Conveyancing and Law of Property Act 1881
- c) State Lands Act 1991 Cap. 57:02 volume 8 Revised Laws of The Gambia 2009.

- d) Land Acquisition and Compensation Act 1991 Cap. 57:06 Volume 8 Reverse Laws of The Gambia
- e) Lands (Regions) Act CAP 57:03
- f) Lands Commission Act Cap 57:07
- g) Local Government Act 2002

5.2.1 Constitution of The Gambia 1997

The right to property, including land, is a fundamental right enshrined in Section 22 of the 1997 Constitution of The Gambia, which guarantees protection against the compulsory acquisition of property except under specific conditions. This provision reinforces the importance of land as an asset, ensuring that individuals and communities retain secure ownership and control over their land, which is critical for economic security, investment, and development.

The legal framework governing land tenure, as outlined in the Constitution, the State Lands Act, and the Lands (Regions) Act, sets broad principles for land ownership, use, registration, valuation, taxation, administration, and management. However, land policy reforms must be firmly anchored in a robust legal framework to ensure that policies are legally sound, equitable, and sustainable.

In instances where the State exercises its power of compulsory acquisition, the Constitution mandates that such action must be justified in the public interest—whether for defence, public safety, planning, or development—and must reasonably compensate affected parties to prevent undue hardship. This constitutional safeguard highlights the balance between private land rights and public interest, emphasizing the need for transparent, fair, and legally sound land governance.

Therefore, an effective National Land Policy must integrate these constitutional principles while addressing land security, equitable access, and sustainable development, ensuring that land remains a productive asset for individuals, communities, and the nation as a whole.

5.2.2 State Lands Act 1991/Cap. 57:02 Volume 8 Revised Laws of The Gambia 2009

This Act introduced a unitary title system in designated areas, and make provision for connected matters.

Section 4 of the 1991 Act provides that: *“All land in the City of Banjul and Kanifing Municipality, excluding such land as is held in fee simple and subject to any grant which has been or may hereafter be made, shall vest in the State absolutely”*.

Section 5 of the Act gives the Minister (responsible for the administration of the Act) the power to designate any regions land for the purpose of this Act. Where such a designation takes place, *“all land in the area shall, excluding such land as is held in fee simple, vest in and be administered by the State for the use of and common benefit, direct or indirect of the community in which the land is situated” and “the Lands (Regions) Act shall not apply to the areas.”*

Under Section 4 of the Lands (Regions) Act, “All Regions’ land” were declared to be vested in the Authorities for the Districts in which the lands are situated,” and are to be “held and administered for the use and common benefit, direct or indirect, of the communities concerned.”

Observations

1. The combined effect of Section 5 of the State Lands Act and Section 4 of the Lands (Regions) Act suggests that the legislators intended to vest the State with overarching authority over all lands in The Gambia, excluding freehold land. This includes regional lands, which the State administers for the direct or indirect benefit of the communities where the land is situated. The Minister of Lands holds discretionary power to designate any district land as State Land, effectively granting the State control over its management and administration. As a result, the authority of District Authorities over regional land remains subordinate to the powers vested in the Minister of Lands under the State Lands Act.
2. Section 7 of the State Lands Act designates individuals holding customary land in State Land areas as deemed lessees, granting 99-year leases to Gambians and 21-year leases to non-Gambians. This status is intended to be temporary, allowing holders to formalise ownership by applying for a lease through the Ministry of Lands (Form 7).
3. However, there is no evidence that the Minister of Lands has issued the required order under Section 7(5), notifying deemed lessees to apply for title. Likewise, there are no records of applications for title deeds at the Ministry of Lands, suggesting that most deemed lessees are either unaware of this process or deterred by bureaucratic hurdles. As a result, a significant portion of the population continues to hold uncertain land tenure, lacking the security that a formal lease title would provide.
4. Under Section 7 of the State Lands Act, the Minister of Lands is required to fix a rent for deemed lessees until they formalise their title by applying for a lease. However, in practice, this provision has not been enforced, and there is no evidence of rent being imposed or collected from deemed lessees. This lack of implementation further contributes to uncertainty in land tenure, as deemed lessees remain in limbo, neither paying rent nor securing formal ownership. The absence of clear enforcement mechanisms weakens the State's land administration framework, leaving many customary landholders in legal and financial ambiguity.
5. The State Lands Act lacks specific provisions governing the transfer or assignment of title by deemed lessees, creating a legal gap in the devolution of title. Despite the shift in land administration from District Authorities to the Minister of Lands, Alkalo Transfers and Local Area Council Transfers continue to be used for land transactions. However, this practice is problematic, as deemed lessees hold land from the State, not under customary tenure.
6. Without a clear regulatory framework, deemed lessees remain uncertain about their rights, and the absence of a registry further complicates matters. In practice, lands designated as State Lands are still being transferred using customary methods, despite no longer falling under customary tenure. This inconsistency undermines legal certainty and needs urgent reform. Deemed lessees should seek approval from the Minister of Lands for any transfer, ensuring compliance with the State Lands Act and aligning with the State's administrative authority over these lands. Establishing a registry for deemed leases and introducing clear regulations for transfers would enhance transparency, legal security, and administrative efficiency in land transactions.
7. Leased regional lands are duly registered with the Registrar of Deeds, as required by law. However, regional land held under customary tenure remains unregistered, leaving no official record of ownership or transactions. This lack of registration makes it susceptible to multiple sales, disputes, and fraudulent transactions, as there is no centralised system to verify ownership or track transfers. As a result, determining the status of unregistered customary land is challenging, creating uncertainty and legal risks for both buyers and communities.

8. There is no mechanism in place to independently ascertain the status of land ownership on the regions. There is no register of tile holders or owners or transferees of land in the regions under than regional lands that are leased,
9. The Minister is supposed to fix a rent to be paid by deemed lessee pending the perfection of their title.

Policy Statements

- a. The government will clearly define the roles of District Tribunals to ensure impartiality, fairness, and compliance with the state lands.
- b. The power conferred on the Hon. Minister responsible for the administration of the State Lands Act to declare any part of The Gambia as State Land will be subjected to constitutional limits and in a manner that safeguards the pre-existing lands rights of communities/individuals.
- c. The Minister responsible for lands will take over the administration of designated lands as provided for by the State Lands Act and administer same for the benefit of the community to which they belong.

Strategic Actions

- i. The State Lands Act needs to be amended to vest all administrative matters in designated Lands to Lands and Survey or other relevant institutions.
- ii. Develop clear guidelines, principles and protocols to be followed before the exercise of the power to declare an area state land. The pre-existing rights of bona fide customary owners should not be displaced without due process, and adequate compensation in line with the Constitution prior to acquisition.
- iii. As the Minister of Lands already has power over all designated lands and can designate any land as State Land (except Freehold Land). There should be proper guidelines that guide the exercise of this power to ensure the designation is done in the public interest. There is a need to put in place a transparent, participatory and well-defined process that will guide and inform the exercise of the power to designate including wider stakeholder /expert consultation (environmental /cultural/historic concerns). The tendency to exercise power arbitrarily exist if the powers are unfettered and not circumscribed by clear guidelines and parameters.

5.2.3 The Conveyancing and Law of Property Act 1881

1. The Conveyancing and Law of Property Act 1881 is applicable to The Gambia by virtue of the Law of England (Application) Act, cap 5:01 Laws of The Gambia. The long title of the Law of England (Application) Act is an Act to declare how far the law of England shall be in force in The Gambia, to reform the common law so applied in certain respects, and for connected matters. The commencement date of the said Act was the 31st day of December 1953.⁴
2. The long title of the Conveyancing and Law of Property Act is “*an Act for simplifying and improving the practice of Conveyancing, and for vesting in Trustees, Mortgagees, and others various powers commonly conferred by provisions inserted in Settlements, Mortgages, Wills, and other Instruments; and for amending in various particulars the Law of Property; and for other purposes*”.

⁴ To be jointly examined hence marked yellow.

3. Section 26 of the Mortgages Act Cap 97:02 repealed provisions of the Conveyancing and Law of Property Act in so far as it relates to mortgages.
4. The Conveyancing and Law of Property Act is the Act that deals specifically with conveyances. The Act deems several covenants to be included in a conveyance, such as the covenants for title; that the vendor has full power to convey the subject-matter of the conveyance, that the purchaser will have quiet enjoyment of the property, that the property is free from encumbrance and further assurance.
5. The said Act also contains provisions that give a relief against forfeiture to lessees.

5.2.4 Land Acquisition and Compensation Act cap 57:06 Laws of The Gambia

1. The Land Acquisition and Compensation Act is an Act that makes provision for the acquisition of land for public purposes. The long title of the Act is “An Act to make provision for the acquisition of land for public purposes and for the payment of compensation for such land, and to make provision for connected matters”.
2. The date of commencement of the Act was the 27th day of December 1991 and came into effect on the date on which the State Lands Act came into effect.
6. The Act repealed sections 24 to 28 of the Lands (Regions) Act.
7. Section 3 of the Land Acquisition and Compensation Act provides that land acquired under the Act shall be designated State Lands. The section states as follows: “*Any land acquired under the provisions of this Act shall be designated as State lands and shall be administered under the provisions of the State Lands Act*”.
 - a. The Act gives the Minister the power to acquire lands and make provision for acquiring any land for public purpose of paying the consideration or compensation as may be agreed upon or determined in accordance with the Act (Section 4).
8. The Act also provides as follows:
 - (i) Where land is required for public or planning purposes, the Department or any person authorised by the Department may enter onto the land with the consent of the owner or occupier and survey the land, dig or bore under the subsoil do all other acts that are necessary to ascertain whether the land is suitable for the purpose for which it is required and the Department is liable to pay compensation for any damage done in the course of entry (section 5)
 - (ii) It is lawful for the persons seized of or possessed of or entitled to any land or any estate or interest thereon to sell and convey the same to the Minister (section 6)
 - (iii) Whenever the Minister on the advice of the Department resolves that land is to be acquired under the Act, the Department shall give notice to the persons interested in or claiming to be interested in such land or the persons entitled to sell or convey the same or such of them as shall be after reasonable enquiry be known to the Board which notice shall be in the form A set out in the schedule to the Act (section 7).
 - (iv) Disputes on compensation or title are to be settled by arbitration or by the High Court (Section 8).

- (v) Where a person has been summoned to the High Court under section 8 of the Act and fails to appear at the time appointed for the hearing of the summons, a decision may be given ex parte upon hearing the evidence adduced and such decision shall be as effectual as if given after hearing and in the presence of all parties (section 9).
- (vi) A person shall not at any time be required to sell or convey to the Minister a part only of any house or building if the person is willing and able to sell and convey the whole thereof (section 10).

b. Section 11 makes provision for the computation of compensation as follows:

- (1) Where any land has been acquired under this Act, compensation shall only be payable in addition to the value of any improvement or works constructed on the land-
 - (a) for the loss of usufructuary rights over the land in the case of land under customary tenure; and
 - (b) for the value of the land in the case of freehold land;
- (2) In eliminating the compensation to be given for any land or any estate therein or for any manse profits thereof, the Department shall-
 - (a) Assess the land according to what it shall find to have been the value of the land, estate or interest or profits at the time of the service of the notice to acquire, and shall not take into account any improvements or works made or constructed thereafter on the land.
 - (b) Where part only of the land belonging to any person is acquired under this Act, take into consideration the enhancement of the value of the residue of the lands by reason of the proximity of any improvements or works made or constructed or to be made or constructed by the Government; and
 - (c) Have regard not only to the value of the land acquired for public purposes but also to the damage, if any, to be sustained by the owner by reason of the severance of such land from other lands belonging to the owner or occupier or other injurious affecting of such other lands by the exercise of the powers conferred by this Act.
- (3) The Department may use the services of the Government Valuation Officer or any other competent valuer to estimate the compensation as specified in subsection (1) of this section.
- (4) If the arbitral tribunal or High Court, to whom the disputed cases of compensation are referred to under section 10 of this Act, is not in agreement with the compensation estimated by the Department as under subsection (1) of this section, it shall make its own estimates of the compensation, provided the estimates take into account the matters specified in subsection (1) of this section.
- (vii) When the Department has, in pursuance of a notice under section 9, entered into possession of any lands, the Department shall also pay compensation to the owner or occupant of the land and to all parties entitled to any estate or interests therein for loss of rents and manse profits for the period between the time the Department so entered and the time when the compensation or consideration due has been paid to the persons entitled thereto or has been paid into Court under the Act (section 12).
- (viii) The Department has the power to withdraw from acquisition of land unless it has entered into possession of the land or has failed within one month of the judgment of the court to intimate to the court that it does not intend to proceed with the acquisition; and has failed to proceed with the acquisition within six months after the service of the notice required under section 7 and has failed to intimate to the

- persons on whom the notice was served that it does not intend to proceed with the acquisition (section 13).
- (ix) In any proceedings under the Act, the parties are entitled to receive costs against each other (section 14).
 - (x) Where a question arises in respect of title to any land to be acquired, the parties in possession as beneficial owners or occupants shall be deemed to be lawfully entitled to the land unless the contrary is proved to the satisfaction of the Court (section 16).
 - (xi) The payment to a person to whom any consideration or compensation is to be paid shall effectually discharge the Minister from being responsible for the application or answerable for the mis-application thereof (section 17).
 - (xii) Conveyance of lands acquired under the Act may be in Form B or C set out in the Schedule or by deed in any form which the Department may deem fit and shall be executed by the Department under its own seal (section 18).
 - (xiii) At any time after the expiration of six weeks from the date of service and publication of the notice prescribed by section 7 of the Act in relation to the land and provided no Court action is pending thereto, the land shall be deemed to have vested in the Minister who shall issue a certificate of title to the land (section 19).
 - (xiv) A conveyance or certificate of title granted under the Act shall be registered in the relevant office of land registry and every such conveyance shall confer on the Minister in trust for the State the estate or interest comprised or referred to therein against all persons, free from all adverse or competing rights, titles, interests, claims and demands, whatsoever, subject always to the terms and conditions, if any, contained therein (section 20).
 - (xv) If a person hinders or obstructs a person authorised by the Department to enter upon and take possession of the land as provided under section 7 (3) of the Act, the Department may apply ex parte to the High Court for a writ of possession (section 21).
 - (xvi) There are penalties created by the Act for hindering the taking of possession of land under the Act. A person who hinders or obstructs the said taking of possession commits an offence and is liable on summary conviction to a fine not exceeding one thousand dalasis or such other penalties which the Minister shall, by regulation prescribe (section 22).

5.2.5 Lands (Regions) Act Cap 57:03 Volume 8 Revised Laws of The Gambia 2009

9. The long title of the Lands (Regions) Act Cap 57:03 Laws of The Gambia is “*an Act to make provision for the tenure and management of lands in the Regions and for connected matters*”.
10. The said Act came into force on the 1st January 1946. The Act was originally called the Lands (Provinces) Act.
11. Section 4 of the Act provides as follows: “*All Regions’ lands are hereby declared to be vested in the Authorities for the Districts in which the lands are situated, and shall be held and administered for the use and common benefit, direct or indirect, of the communities concerned*”.
12. From the above provision, the mandate and extent of the administrative authority of District Authorities is clearly defined. Ab initio, the *legal* interest in the land is vested in the authorities. This should be distinguished from the *beneficial interest* which lies in the

communities where the land is located. Thus, the role of District authorities may be considered that of a trustee.

13. Section 5 of the Lands (Regions) Act provides as follows:

“The occupation and use of Regions’ lands by indigenes shall be governed and regulated by the customary laws obtaining in the localities in which such lands are situated:

provided that, where in the opinion of the Authority concerned and of the Minister it is expedient to do so, a lease may be granted to an indigene in accordance with the provisions set out in the Act relating to the grant of leases to non-indigenes”.

14. Noteworthy from the above provision is that the application of customary law is limited to *indigenes* only and to the *use and occupation* of such lands by such indigenes. In other words, it does not apply to *non-indigenes* nor to any form of disposal or alienation of such land (just use and occupation by indigenes).

15. Section 7 of the Act provides I subsections (1) and (2) that a “*Regions’ land shall not be occupied by a non-indigene unless he or she has first obtained the consent of the Authority for the District in which such land is situated. A non-indigene who occupies any Regions’ land without the approval of the Regional Governor shall be deemed to be a tenant at will*”.

16. Where a non-indigene occupies Regions’ land without a lease, a memorandum of the terms of such occupation, consent to which should be first obtained from the Authority with the approval of the Governor of the region shall be drawn up and entered in the Region Land Register (section 7(3) of the Lands (Regions) Act).

17. Every tenancy of Regions’ land for a term exceeding three years shall be created by an agreement in writing (Section 8 of the Lands (Regions) Act).

18. Section 9 of the Lands (Regions) Act provides as follows: “A non-indigene shall not acquire a greater interest in any Regions’ land than a tenancy for a term of fifty years:

Provided that nothing contained in this section shall prevent the insertion in any lease of a clause providing for a renewal of such lease for a second or further term of fifty years”.

19. A tenant of Regions land shall not alienate his or her interest therein, or any part of such interest, by sale, mortgage, transfer of possession, sublease, or bequest or otherwise howsoever without the consent in writing of the Authority concerned and the approval of the Minister first had and obtained, and any such sale, mortgage, transfer of possession, sublease or bequest effected without such consent and approval shall be null and void Section 18 of the (Lands (Regions) Act).

Observations

20. One key takeaway from the above provisions is that title deeds, in the form of leases, should be issued to non-indigenes rather than transferring ownership through customary tenure facilitated by district authorities. There is a clear need to align current practices with the law, as the prevailing approach deviates from legal provisions and requires regularisation. While non-indigenes are not permitted to hold customary tenure, they are still granted official documents over customary land, endorsed by relevant authorities, including Alkalolu, Chiefs/Seyfos, the Physical Planning Authority, and the Chief Executive Officer of Local Authorities. This situation necessitates a thorough review of the customary land ownership

status of non-indigenes and the development of clear guidelines and directives to ensure compliance with legal requirements.

21. It is not clear whether lands in the regions are being monitored to ensure that the Land (Regions) Act is being complied with. Furthermore, with the coming into force of the State Lands Act and the power of the District Authorities to deal with land being vested in the State, there is huge gap that does not seem to be acknowledged. The State appears to be allowing the District Authorities to continue to administer the lands in the regions despite the fact the State Lands Act has arrogated such powers to the State.

Policy Statements

- a. The State needs to exercise the powers conferred by the State Land Act consistently and take the responsibility of unifying the administration of all State Lands and designated lands in conformity with the State Lands Act. This is in line with the objective of creating a unitary title system in land administration as envisaged by the State Land Act.
- b. It should also be noted that the District Authorities who are in charge of administering the lands, also sit on disputes relating to those lands. The Chiefs of the regions sit on the District Tribunals. This is clearly a conflict of interest and raises questions on the impartiality of the District Tribunal in such cases. There should be a separation of these powers to avoid conflict of interest. If the State takes over the administration of the designated areas from the District Authorities as required by law, then the issue of conflict would have been avoided.

Observations

22. One major takeaway from the above provisions are that title deeds in the form of leases should be issued to non-indigenes, rather than customary transfer of ownership by the district authorities.

Policy Statements

- a. The State will exercise the powers conferred by the State Land Act consistently and take the responsibility of unifying the administration of all State Lands and designated lands in conformity with the State Lands Act. This is in line with objective of creating a unitary title system in land administration as envisaged by the State Land Act.
- b. The State will exercise the power of public regulation of land use, strictly in the interest of environmental sustainability, socio-economic welfare and development.

Strategic Action

There is a need for a thorough review of the State Lands Act to align it with the realities of land administration and practice. The process of title acquisition remains cumbersome, bureaucratic, and inefficient. The requirement of the Minister personally approving every assignment, mortgage, lease or alienation of an interest of property is untenable and inefficient. There is a need to revisit this process and also provide clear guidelines on the exercise of powers under the Act.

5.2.6 Lands Commission Act

The Act was enacted pursuant to section 192 of the Constitution of the Republic of The Gambia, 1997. The Land Commission Act was enacted in 2007. It establishes a Land Commission to advise on land administration policy; Investigate land disputes and assessment of land rent and premium; monitor registration of properties; inspect property registers. (Members were appointed but the commission remains dormant).

Policy Statement

The Lands Commission Act will be emended to strengthen the authority of the commission.

Strategic Actions

- i. The Act should be amended to give the Commission more independence and autonomy to discharge its mandate.
- ii. It is ideal to empower the Commission to have an exclusive decision on issues that they have presided over.
- iii. The Commission be revived as their mandate is quite wide and their work would be important for the ongoing monitoring of land issues.
- iv. The Commission's mandate, rules and regulation be institutionalised rather than have them sit every few months.

5.2.7 Local Government Act 2002

Section 2 of the Act provides that, In this Act, unless the context otherwise requires "Alkalo" and "Alkalolu" mean a village headman and village headmen, respectively; "Area" means a Local Government Area; "Area Administrator" means the public officer appointed under section 123 to represent the Central Government in each Local Government Area and includes a Commissioner. 131. (1) A Council shall have power to levy rates and such taxes as the National Assembly shall prescribe, to meet all liabilities, whether of a general or special nature. (2) Rates shall be levied and collected in accordance with the provisions of the General Rates Act, 1992, and the law referred to under section 130 of this Act.

Policy Statement

The Government will engage the Local Government Authorities on lands issues that affect them.

Strategic Action

Let there be coordination and collaboration in all lands matters affecting the communities.

5.3 Legal Framework on Land Use, Planning and Management

The following are legal frameworks related to land use planning and management:

- a) The Gambia Tourism Board Act 2011
- b) Physical Planning and Development Control Act (PPDC)
- c) Forestry Act 2018 Laws of The Gambia
- d) Biodiversity and Wildlife Act 2003
- e) Fisheries Act
- f) National Environment Management Act, 1994
- g) Mines and Quarries Act 2005

5.3.1 The Gambia Tourism Board Act 2011

23. The Gambia Tourism Board Act 2011 deals with land in the Tourism Development Area (TDA).

24. The long title of the Act is "An Act to repeal the Gambia Tourism Authority Act and to replace it with a new entity called The Gambia Tourism Board which shall be responsible

for the coordination, administration and marketing of tourism in The Gambia and for connected matters". The Act came into force on the 8th day of August 2011.

25. Part IX of The Gambia Tourism Board Act 2011 deals with the Tourism Development Areas (TDA). Section 45 of the Act provides that a Tourism Development Area means:

- a. An area of land that was, immediately before the commencement of this Act, designated to be a tourism development area in accordance with section 9 of the Physical Planning and Development Control Act; or
- b. An area of land declared by the President to be a Tourism Development Area.

Section 46 of the Act provides that:

“(1) After the commencement of this Act, the Board shall be deemed to have been granted a lease of all Tourism Development Areas by the Minister responsible for Lands.

(2) Subject to sub-section (3), the lease of each Tourism Development Area shall-

- (a) be taken as having been granted subject to any existing estates, rights and interests in the area; and
 - (b) not be taken to include any land in which a fee simple interest existed.
- (3) Where an area to which this section applies was immediately before the commencement of this Act leased to the Minister, the lease shall be taken to have merged into and incorporated with the lease of the area mentioned in sub-section (1).
- (4) Any sub-lease, estate, right or interest granted by the Minister under the lease given to him or her shall continue to subsist and have effect as if granted by the Board under the lease mentioned in sub-section (1)
- (5) Where the boundary of any area to which this section applies is uncertain, the boundary shall be settled by agreement between the Minister and the Minister responsible for Lands or failing such agreement, by the President”.

26. The lease of all Tourism Development Areas deemed to be granted to the Board is a lease for an unlimited term of years. The Board has the power to grant sub-leases of land in the TDA for tourism or tourism related purposes (Section 47 of the Gambia Tourism Board Act). It is important to note that a lease cannot be for an unlimited term and as such s47 of the GTB Act is problematic.

Observations

27. a. It is important to clearly establish the proper legal basis of the Tourism Development Area. It appears that the Gambia Tourism Board is currently using a lease dated 20th January 2015. This lease purports to be for an unlimited term. This is also problematic when it comes to pre-existing rights that pre-date the lease. The lease start date is 1st January 2015 for an unlimited term.⁵ It is not possible to have a lease with an unlimited term in law and secondly, the lease cannot have retroactive application and technically problematic for those whose rights exist prior to the lease. The legal basis of the Tourism Development Area is untidy and murky. There was a subsisting lease which has not been cancelled. The status of that

⁵ K15/2015

lease should be examined and finally determined. The basis of the TDA is a lease between the District Authorities and the State.

- a. The coming into force of this Act has further blurred the lines between the State, the Board, and the District Authorities. It is not clear if there was a previous establishment of the prior interests in land of persons within the TDA before the Act. It also appears there was a lease granted to the Gambia Tourism Authority even before the GT Board Act.

Policy Statement

The TDA Act needs to be reviewed and updated.

Strategic Actions

- i. To clearly establish the proper legal basis of the Tourism Development Area.
- ii. Government to craft out the villages that are in the Tourism Development Area.
- iii. Engage the communities settling in the TDAs.
- iv. The Minister of Lands should be consulted in all land allocations.
- v. Overlaps between Ministries be harmonised.
- vi. The wider discretionary power given to Minister by the Act be decentralised, to promoted timely approval and documentation.

5.3.2 Physical Planning and Development Control Act

This Act provides for the systematic planning of all land by creation of local plans, development plans and a national plan by which land may be zoned for different uses. Zones that have been created include the Tourism Development Area, industrial areas, residential and commercial areas. It also makes provision for the control of land developments through a system of granting permits e.g. building permit.

The Planning Board is established by section 4 of the PPDC Act and is tasked with the primary responsibility of authorizing and directing the preparation of the national plan, local plans and the development plans as specified in the schedule to the Act. The Board also has the function of providing advice to the Minister on any matter pertaining to the administration of the Act and in particular on the formulation of a general physical development policy for the country as a whole or for any specific part thereof as may be necessary.

Planning Authority Established under the PPDC Act empowered and legalized the Physical Planning official's operations.

Policy Statements

- a. Ensure proper planning is done before any settlement or building.
- b. Implement proper physical planning that allocates roads, settlements, reserved areas, youth and women spaces, and public services.
- c. Establish green spaces within communities.
- d. Designate specific residential, industrial, and public zones to guide land use.
- e. Use mapping/zoning to separate agricultural activities and avoid demolition without compensation.
- f. Conduct spatial planning to prevent future problems.
- g. Create a master plan showing all land titles and uses.
- h. Reserve land for public utilities and social services.
- i. Develop a comprehensive development and land use plan.

- j. Implement zoning, mapping, and digitalization for land management.

Observations

The Department of Physical Planning is also not part of the Protected Area Settlement Committee. The DPPC Act establishes Planning Authorities (PA) for Banjul and Kanifing Municipality and each region. The PA responsibilities include the preparation of draft plans which are classified into national plan, regional plans and development plans. Thus, the Department of Physical Planning & Housing (DPPH) is mandated to advise the Department of Lands and Survey on applications for leases and ensure that such applications conform to the draft local plan. Therefore, considering the mandate of the DPP as shown above, their presence in these committees may be necessary.

Policy Statements

- a. To effectively implement the mandates of the Department of Physical Planning and Housing as stipulated in the Act.
- b. To strengthen the functions, roles and resources of the office and records.
- c. Build capacity for public servants in rural areas.
- d. Strengthen institutions involved in land matters.
- e. Provide capacity building and orientation for employees.
- f. Establish a surveyor board, land commission, and functional planning authority.

Strategic Actions

- i. To effectively and efficiently build the capacity of all stakeholders involved in land administration and management
- ii. To ensure the implementation of the policy-ensure all regions are well equipped with trained manpower in land related issues and with proper working tools.

5.3.3 Forestry Act, 2018

1. This Act repealed the Forest Act 1998. It is enacted to provide for the maintenance and development of the forest resources of The Gambia with a view to enhancing the contribution of forestry to the socio-economic development of The Gambia. Naturally, the Act contains important provisions affecting land administration and management, some which are briefly discussed in this paper.
2. The Forest Act 2018 defines a forest as any land with at least ten percent tree cover, naturally grown or planted, or at least fifty percent and tree regeneration cover is a forest by default without more i.e. declarations and so on. And includes forest parks, community forests parks and protected forests.
3. Furthermore, the Minister responsible for Forestry, who also happens to be responsible for the administration of the Biodiversity Act, has the power to designate any regions' land as forest parks and reserved forests where it appears to the Minister that the forest growth on the lands should be protected or reserved. It is noted that some Regions' land are designated State land.

Observations

4. The Reserve Settlement Committee which is constituted by the Minister of Environment declaring any regions' land as forest park does not include a representative from the Ministry of Lands, Regional Government.

Policy Statement

The Government will make so that any land declared as forest shall not be encroached by a person unless due process is followed as provided by the Forestry Act 2018.

Strategic Actions

- i. To properly secure all Forestry Lands from encroachment.
- ii. Synchronisations of activities amongst Ministries in all matters.
- iii. Community forest and Wood lock be protected for the interest of the community.

5.3.4 Biodiversity and Wildlife Act (BWA)

1. This Act was enacted in 2003 to provide for the conservation of biodiversity and wildlife, to promote, regulate and protect the use of biological resources and establish, maintain and administer protected natural areas and cultivated sites and for the participation by the population in their conservation and sustainable use. Like the Forest Act, this Act also makes significant provisions affecting land management.
2. The BWA gives the Minister the power to declare any area a Protected Area. Once designated as such, a Protected Area is classified into national parks, national reserves, fisheries protected areas, local sanctuaries and cultural and heritage sites defined by regulations made by the Minister.

Observations

3. BWA however makes no provision regarding consultation with the Ministry of Lands who has the power under the State Lands Act to designate any region's land as state land and grant leases. The Minister appoints a Protected Area Settlement Committee constituted by the District authorities including the Regional Governor; no representative from the Ministry of Land which may be necessary particularly where the proposed protected area is State Land.

Policy Statement

All protected Areas be gazette, and a protected Area committer to be task to maintain such designated land.

Strategic Actions

- i. The Government to protect any land designated for Biodiversity and Wildlife from encroachment.
- ii. No person shall be allow to convert lands designated for Biodiversity and Wildlife.
- iii. Government to erect a structure in all designated lands, from encroachment.

5.3.5 National Environment Management Act (NEMA), 1994

1. As stated in its long title, this is an Act for the control and management of the environment and for connected matters. At the helm in the administration of Act is the National Environment Management Council. The Council is the policy making organ of the Agency and it supervises the work of the Agency. Among its principal functions is the responsibility to coordinate all policies, whether by Government or the private sector, which have or are likely to have a significant impact on the environment. The Council is composed of nine (9) members including the Minister responsible for local government and land.

2. The Act also established the National Environment Management Agency as the principal body responsible for the management of the environment and coordination of all activities related to the environment. The Agency is headed by the Executive Director. Among its functions is to implement the policies of the Council on the environment, review and approve environmental impact assessments submitted in accordance with the Act, and liaise with the various Ministries, departments, and agencies of Government on all issues integrated into all spheres of national planning and project implementation. The Act also establishes the Administration and Finance Committee, which is responsible for the appointment and discipline of the staff of the Agency, and the Technical Advisory Committee which is to serve as an advisory body to the Agency.

Environmental Planning

3. One of the parts that is noteworthy is Part IV dealing with Environmental Planning. It makes provision for planning at the national level and planning at the local level. Section 20 requires the Agency to prepare an Action Plan in consultation with the public and revised at least once every ten years and at such other times as may be necessary to take into account new developments and emergent needs. The Action Plan is required to be approved by the National Assembly and once so approved shall be a binding document.
4. At the local level, the Act provides that the units for environmental planning are the City of Banjul; the Kanifing Municipality and each Region and that the Environment Committee for each of these units shall prepare a local environment plan which shall be in conformity with the Action Plan and be co-ordinated with plans prepared under the Physical Planning and Development Control Act.

Environmental Impact Assessment and Management of Coastal Zones, Rivers and Wetlands

5. The Act also provides for the carrying out of Environmental Impact Assessment for specified projects provided for under the schedule to the Act and defines the process to be followed to that end.
6. Section 30 of the Act prohibits any person from carrying out any activity in relation to the coastal zone, rivers and any other wetlands unless expressly allowed to do so under any law or by the Agency in writing. It also provides that the Council may make regulations and guidelines for the management of the environment of the coastal zone, rivers and other wetlands. Bearing in mind the broad definition of land under the State Lands Act, 1991 to include lagoons, creeks, rivers and estuaries within The Gambia, the foregoing provisions of the NEMA Act are very pertinent in the consideration of any land policy.

Policy Statement

The State will apply the Environmental Regulations required permit as provided in the NEMA Act.

Strategic Actions

- i. Enforce environmental regulations strictly.
- ii. Prevent bushfires through education and enforcement.
- iii. Preserve wetlands and forest lands.
- iv. Integrate environmental sustainability in land use and maintain natural waterways and animal tracks.

- v. Conduct Environmental Impact Assessments (EIA) before road construction and ensure compliance with EIA regulations.
- vi. The Minister to consult Local government and have right in all lands.

5.3.6 Mines and Quarries Act

1. This is an Act to make provision for prospecting for minerals, for carrying out mining and quarrying operations and for connected matters.
2. The Department of Geology is responsible for the administration of the Act.
3. From the outset, the Act clearly provides that “the entire property in and control of (a) all minerals, in, under or on any land in The Gambia; and (b) all rivers, streams and water-courses throughout The Gambia, that were declared to reside in the State before the commencement of this Act by section 3 of the Minerals Act repealed under this Act shall continue to reside in the State.”
4. The definition of ‘mineral’ and ‘quarry’ may be essential to appreciate the ambit of the application of the Act. It defines a mineral to mean a substance whether in solid, liquid or gaseous form occurring naturally in or on the earth, or in or under the seabed formed by or subject to a geological process but excludes petroleum and surface water. A quarry, on the other hand, is defined as an excavation or system of excavations made for the purpose of getting a building material, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined.
5. The Act forbids any person from carrying out reconnaissance operations for a mineral or prospect for a mineral or carry on mining or quarrying operations for a mineral unless the person is authorised to do so in accordance with a mineral right granted under this Act. In the case of a major mining operation, a reconnaissance licence, a prospecting licence and a mining licence is required.
6. The Minister may grant a licence subject condition. Such conditions are meant to protect, among other things, the State's mineral interest and the environment.

Policy Statement

Government on public interest as provided in Section 22 of the Constitution 1997, can re-enter community lands and declaring it as a mining or quarrying site.

Strategic Actions

- i. Proper notice shall be given to the community or individual affected.
- ii. Compensation to be paid within a reasonable time.
- iii. To engaged the affected parties in the community.
- iv. Government to inform the affected community, before any action is taken.
- v. Where income is generated from the site, a percentages be allotted to the community concerned.
- vi. The procedure to acquire licence be specified.
- vii. All mining and quarrying site be gazetted by the minister responsible for the time being.

5.4 Legal Framework on Land Registration and Title

The following are legal frameworks related to land registration and title:

- a) Land (Registration of Deeds) Act

In The Gambia, the Land (Registration of Deeds) Act is the only legal framework that governs the registration of deeds, including land. Despite this single legal framework, there are three means of land documentation:

1. **Alkalo Land Transfer:** Issued by the Alkalolu of a village, this document evidences the transfer of land ownership from one person to another. It forms the basis for property registration and payment of property rates to the Area Councils, Municipal Councils, and City Council. There is no legal framework regulating this process, so it does not constitute formal registration and title.
2. **Area Council Transfer:** Issued by councils, this document evidences the transfer of land ownership from one person to another. It also forms the basis for property registration and payment of property rates. While there is no legal framework for this documentation, Area Councils have a system to issue official land transfer documents with unique serial numbers.
3. **Deeds Registry:** The Deeds Registry, housed at the Ministry of Justice, is responsible for registering all deeds, including land. The relevant legal framework is the Land (Registration of Deeds) Act Cap. 57:01 Volume 8 Revised Laws of The Gambia 2009.

5.4.1 Land (Registration of Deeds) Act

The Land (Registration of Deeds) Act Cap 57:01 provides for the public registration of deeds, conveyances, wills, contracts, and other instruments affecting land in The Gambia. It established a Registry in Banjul, known as the Registry Office, responsible for registering all instruments and wills affecting land.

According to Section 5 of the Act: “The Registrar shall keep a set of books numbered consecutively, called 'Record Books.' Each instrument and will, together with the certificate of registration, shall be copied in full into one of the record books and numbered consecutively.”

Under The Gambia's tripartite land tenure system, only freehold land registration includes title. The other two systems, leasehold (Kombo and Provincial) and deemed lease, grant possession rights.

Policy Statements

- a. Land registration and title processes should be made accessible, affordable and easy for all.
- b. The legal framework should be amended to include digitalization of records, making access to vital records, information, and search activities easier.

Strategic Actions

- i. The Deeds Registry System will be digitized and linked with the Cadastral system with Directorate of Lands and Surveys.
- ii. Units of the Deeds Registry will be established in every regional office across The Gambia.

- iii. Government should establish a title system for customary landowners with alluvial title over land outside the State land.

5.5 Legal Framework on Land Valuation and Taxation

The following are legal frameworks related to land valuation and taxation:

- a) Mortgages Act 1992 Cap 97:02 Volume 15 revised laws of The Gambia 2009
- b) Rent Act 2014 and subsequent amendments 2017 and 2024
- c) Income and Value Added Tax Act 2012
- d) Stamp Act Cap 82:01 Volume 13 revised Laws of The Gambia 2009.

5.5.1 Mortgages Act

This Act provides for the use of immovable property (land and fixtures to land) as security/collateral for lending. It regulates all mortgages of such property and seeks to balance the rights of the borrower and lender. Only distinct rights in land may be mortgaged. Lending institutions do not generally accept customary land as security. In practice, only micro finance institutions accept deemed leasehold land if the borrower has a certificate of ownership.

Policy Statement

Institutions should recognise customary land title as a security.

Strategic Action

To address all the legal gaps.

Rent Act 2014 was amended in 2017 and 2024, therefore, the Act has addressed rent issues.

5.5.2 Stamp Act

- a. The Stamp Act Cap 82:01 Laws of The Gambia is an Act for charging stamp duties in respect of certain instruments, and for connected matters. Section 3 of the Act provides for the imposition of duty. It provides that there shall be charged and paid on the several instruments specified in the Schedule to the Act the several duties specified in the schedule. The schedule to the Act has recently been amended.
- b. The Gambia Revenue Authority is responsible for the administration of the Stamp Act and collects duties under the Act.

Policy Statements

- a. The government has the power to raise revenue through taxation related to tenure rights so as to contribute to the achievement of its broader social, economic and environmental objectives.
- b. Government will strive to develop policies, laws and organizational frameworks for regulating all aspects pertaining to taxation of tenure rights.
- c. Government will administer taxes efficiently and transparently.
- d. Staff of implementing agencies will receive training that includes tax administration and valuation methodologies.

- e. Tax rates will be based on appropriately assessed land values. The assessment of values and taxable amounts shall be made public and should provide taxpayers with a right to appeal against valuations.
- f. Government will endeavour to prevent corruption in tax administration, through increased transparency in the use of objectively assessed values.
- g. Government will levy progressive land tax on all lands allocated to commercial investments in rural and urban areas.

Strategic Actions

To facilitate the efficient utilization of land and land-based resources, the Government will:

- i. Apply both the Original Site Value and Improvement Value Added Taxation to all land in urban areas;
- ii. Introduce a development levy on undeveloped land;
- iii. Apply the Development and Capital Gains Tax in order to capture some of the value created through public infrastructure improvements;
- iv. Apply these new taxes subject to the remissions to be enjoyed by certain types of properties and ownership to safeguard interests of the poor and persons wholly dependent on their land for subsistence; and
- v. Improve the capacity of public institutions, including local authorities, to assess and collect taxes.
- vi. Apply an objective criteria to tax exemption and waiver decisions on land investments.
- vii. To devise a mechanism where the GRA would have an input to ensure that the right taxes are paid.

Method of Obtaining Land

1. The legislations set out above provide for the manner in which land may be applied for or held. They also provide also for the conversion of customary tenure to leaseholds and the registers kept for the purposes of recording interests in land.
2. Under the State Lands Act, The Department of Lands and Surveys are responsible for processing applications for the granting of State land and title deeds from deemed lessees and make recommendations on them to the Minister (section 11A (1) (a) and (b)). The Minister may, on the recommendations of the Department of Lands and Surveys, approve grants of land and issue of leases of land (section 11A (3)).
3. State Lands Regulation of 2007 provides further guidance relating to the administrative process of the granting of State land. Part 1 refers to applications for grant of State land for residential purposes.
4. Regulations 6 and 7 provide that upon receipt, the Department of Lands and Surveys shall review all applications in accordance with the eligibility criteria or planning conditions laid down by the Planning Authority.
5. Part 2 of the Regulation refers to application for grant of State land for non-residential purpose. Under Regulation 12, any application for non-residential purpose shall be in Form 2 of the First Schedule, and shall include the following additional information –
 - a. Preferred location and site plan of the plot of land;
 - b. Justification of the required area;
 - c. Description and approximate cost of the proposed developments at the site; and
 - d. Such further information as may be required by the Department.

6. It is not clear whether the various planning authorities have copies of the approved plans due to the amount of issues that arise after leases have been issued. It is also not clear that these approved plans are shared with other institutions or conform to their plans or mandates. A clear example of this is the issues that arose with the National Roads Authority.
7. Customary land can be converted to leasehold property in accordance with section 7 (1) of the State Lands Act which states that a person that holds any land in a designated area under customary tenure or year to year tenancy shall be deemed to be a lessee of the land.
8. The length of period within which a deemed lessee is deemed to hold land from the State is determined on the bases of whether the individual is of Gambian nationality or non-Gambian. If the deemed lessee is Gambian and the State land is for residential use, the lease will be for a term of ninety-nine years.
9. In the case of a non-Gambian, the lease shall be for a term of twenty-one years for residential land (Section 7 (9) (a) (i) and (ii) respectively). The Act additionally provides for agricultural and industrial land the terms of which is to be determined by the Minister in collaboration with the Ministry responsible for agriculture and industry (section 7 (9) (b) and (c) respectively).
10. For non-Gambians there are further restrictions on the acquisition of State land under section (10) of the Act. They are only deemed to be a lessee of a residential land if (a) the land is not within 1.5 kilometres of the high water mark in an area designated by the Minister and (b) of no more than 2,500 square metres of land in any one city, town or village within an area designated as State land. If a non-Gambian acquires State land contrary to the above provisions, they will be deemed to be tenants at will and may at any time be dispossessed of the land.
11. Section 5 of the Lands (Regions) Act makes provisions for obtaining and using land in the Regions. Under the said Act, the occupation and use of Regions lands by indigenes shall be governed and regulated by the customary laws obtained in the localities in which such lands are situated.
12. Indigene refers to is provided under Section 3 of the Lands (Regions) Act.
13. Section 7 (1) of the Act clearly sets out that Regions land shall not be occupied by a non-indigene unless he or she has first obtained the consent of the Authority for the District in which such land is situated. If the land is occupied without the approval of the Regional Governor, the individual shall be deemed to be a tenant at will.
14. The Gambia Tourism Board Regulations 2011 makes provision for the administrative process of acquiring land within the Tourism Development Area as provided in Regulation 4 (1). 4(2) required Minister to make a decision. 5(1) provides that no construction unless approval is sought from the Department of Physical Planning.
15. There are a number of documents provided for in Regulation 5 (2) of the Gambia Tourism Board Regulations which are to be submitted with the application for approval from the Department of Physical Planning. These documents include preliminary plans

prepared by or under the direct supervision of a qualified surveyor; preliminary drawings, consisting of the proposed technical site plan in line with the scale approved by the Physical Planning regulations which shall include –

- i. Existing and proposed topography (1.5m contour),
- ii. Setback lines, easements and view channels,
- iii. Outlines of all proposed buildings and structures, indicating the initial development and the construction sequence for subsequent increments, if any,
- iv. Location and size of parking areas,
- v. Proposed roads and pedestrian circulation routes, and
- vi. Single line schematics for sewerage, water, electricity, irrigation and communication.

16. Under Regulation 6 (1) the Department of Physical Planning, on the recommendation of the Gambia Tourism Board, may approve the preliminary plans in writing, provided that they comply with all their requirements and are suitable for the project. In order to secure a building permit from the Department of Physical Planning, a licensee shall submit to the Board, working drawings and specifications prepared by or under the direct supervision of a surveyor (Regulation 7 (1)). The Department shall review working drawings and specifications submitted to it and make a decision on it within four weeks, and failure to do so shall be deemed to be an approval (Regulation 8 (1)).

Obtaining Land via Purchase

17. It is also an option for an individual or an entity to purchase land from an individual or entity that has title to the said land. Where this is the preferred option, searches may be conducted with the relevant authorities to ensure that the said land is free from encumbrance and that the person selling actually has title to the said land.
18. It should be noted that the only searches that are capable of being conducted satisfactorily are those relating to leased properties registered with the Deeds Registry.
19. Where the land sought to be purchased is leasehold land vested in to the state, the vendor may sell his interest in the land and assign same to the purchaser. Details of leasehold lands are usually recorded in the Registrar General's records which are kept at the Attorney-General's Chambers' at the Ministry of Justice.
20. A person who wishes to verify the title to leasehold or free hold land will conduct a search at the Registry Office upon payment of a prescribe fee.
21. Upon verification that the status of the property sought to be purchased is clean and free from encumbrance and indeed belongs to the proposed vendor, an agreement of sale may be entered into pending the completion of the sale. This agreement of sale may be registered against the property at the Registry Office in order to let other people know that there is another interest in the property, or a caveat could be registered against the said property to warn people that there is another interest in the property.
22. Such agreement of sale or caveat will have to be stamped before it is registered at the Registry Office.
23. Under section 29 of the Act, an instrument which is liable to stamp duty under this Act shall not be registered under the Land (Registration of Deeds) Act until the same has been stamped in the manner required by this Act.

24. No person shall register any assignment of leased land until the consent of the minister is first obtained and payment of taxes.
25. Where the property sought to be purchased is freehold land, a conveyance is drafted and executed by the proper parties to the deed, stamped and then registered. There is no consent required from the Minister responsible for Lands for the conveyance of freehold land.
26. Where the property sought to be purchased is leasehold, the consent of the Minister responsible for Lands is required. Prior to assigning the vendor's interest in the said leasehold to the purchaser.
27. In accordance with the State Lands Regulation 37, all properties within a designated area shall be charged land rent in accordance with the Fifth Schedule. Regulation 38 (1) sets out the basis in which land rent shall be paid. Land rent shall be charged taking into account:
 - a. The use of the land, as stipulated in the lease or as indicated in the approved plan if a lease does not exist;
 - b. The location of the land;
 - c. The intensity of development as indicated in the Approved Plan and if such Approved Plan does not exist, it shall be the prevailing developments within the land; and
 - d. The actual area of the land in square metres.
28. Most people are not aware that they should pay land rent. Generally the population is aware of the requirement to pay rates, but not land rent. There needs to be a sensitisation on this matter because the State has a right of re-entry on leased land where the land rent is unpaid.
29. Under Regulation 40 (2), land rent is payable in advance for each year, before 31st January of that year. The Fifth Schedule contains the rates of land rent due to be paid which is to be determined on the use of land. The following uses are provided for: Residential, Agricultural, Institutional Public, Private, Schools Public, Private, Industrial, Commercial, Tourism and Environmentally Sensitive.
30. Under Regulation 38 (2), the lessee shall notify the Department if there are any changes in use or the intensity of the development of the extent of his or her land. The Sixth Schedule of the Regulation sets out the fees to be paid for change of use.
31. The time frame for obtaining consent is indeterminable. It take time, from a week to a year or more to obtain the consent of the Minister. As such, lot of Mortgages are not registered; the other reason being the cost of stamping the mortgages.
32. Once the consent is obtained, the letter granting said consent is attached to the assignment, a tax clearance certificate showing that capital gains tax has been paid by the vendor, the assignment is then stamped, and then registered at the Registry Office. A Tax Identification Number (TIN) is required to stamp any instrument. The TIN used could be that of the vendor or the purchaser. Upon registration, the legal title in the property transfers to the purchaser and the liability to pay rates, taxes, and land rent amongst others shifts to the purchaser.

Tax payable on properties prior to registration

33. **Capital Gains Tax** is imposed on a person who has disposed of a capital asset. Capital asset includes any land, building, or other structural improvement to land. Chapter III of the **Income and Value Added Tax Act 2012** provides provisions for the law relating to capital gains tax. Section 105 (2) of the Act states that the capital gains tax payable by a person on the disposal of a capital asset is –
- a. In the case of an individual, body of persons, or trustee of a deceased estate if the disposal is in the first two years of administration of the estate, the greater of –
 - i. Fifteen per cent of the capital gain arising on percentage of the disposal, or
 - ii. Five per cent of the consideration received on the disposal, or
 - b. In the case of a partnership, company, or trustee (other than a trustee to whom paragraph (a) applies), the greater of –
 - i. Twenty-five per cent of the capital gain arising on the disposal, or
 - ii. Ten per cent of the consideration received for the disposal.
34. Under subsection 3 of section 105 of the Income and Value Added Tax Act, no capital gains tax is payable on the disposal of a capital asset if the capital gain arising on the disposal is exempt from capital gains tax.
35. Under section 107 of the Act, the following are exempt from capital gains tax –
- a. A capital gain on disposal of a capital asset by any person, if the amount of the gain does not exceed seven thousand five hundred dalasis;
 - b. A capital gain derived by a local authority, district authority, Government institution, or charitable organization;
 - c. A capital gain on disposal of a private residence to the extent provided for in section 108; and
 - d. A capital gain on disposal of agricultural land to the extent provided for in section 109.
36. An individual disposing of a capital asset is required to furnish a capital gains tax return within fifteen days after the disposal of a capital asset. The payment of the capital gains tax is due on the due date for furnishing the taxpayer's capital gains tax return in respect of the disposal (sections 111 and 113). Under section 114 (1) of the Act, the Registrar-General shall not register an instrument relating to the transfer of a capital asset under the Lands (Registration of Deeds) Act, unless the transferor or transferee has furnished the Registrar-General with a certificate from the Commissioner-General stating that the capital gains tax due on the transfer has been paid or satisfactory arrangements for payment of the tax have been made.

5.5.3 Land Rates

1. All lands occupied within all districts are liable to pay land rates. Under section 4 of the Rating Valuation Act Cap 34:01 volume 5 Revised laws of The Gambia 2009, all properties, including owned by or in the occupation of Government, shall be liable to be assessed in accordance with this Act.
2. The rating areas and rating authorities are provided for in the General Rate Act as being: City of Banjul whose rating authority is Banjul City Council; Kanifing Municipality

whose rating authority is Kanifing Municipal Council and Each Region whose rating authority is their Respective Area Council.

3. Section 4 (2) of the Rating Valuation Act provides that the general rate for any rating area shall be –
 - a. A rate at a uniform amount on the ratable value of each premises in that area;
 - b. Made and levied in accordance with the valuation list in force for the time being, except that where a new valuation list is to come into force for that area, a rate for the year or any part of the year, beginning with the day on which the new list is to come into force, shall be made and applied by reference to that new list.

Vesting of the Sovereign Title to Lands in The Gambia

A first central issue to be addressed by this Policy is to clarify the question of the vesting of the sovereign title to lands in Gambia by making appropriate provision in the State Land Act and in the Land Region Acts after this Policy is adopted.

Policy Statements

- a. After the coming into force of this Policy the sovereign title to Government/State lands and public lands shall vest in the manner to be determined by Cabinet as follows:-
 - i. as to Government/State lands be trusted to Minister responsible for lands; and
 - ii. as to Community lands in trust for the community of The Gambia as a whole or in trust for the particular community that originally owned the land as prescribed by the Acts or other law creating the same; and
- b. The sovereign title to private lands shall henceforth vest as follows:-
 - i. as to family lands held under family tenure in the Province in the family as a unit;
 - ii. as to land held under freehold tenure in the Areas in the individual, group of individuals or Corporate entity absolutely;
 - iii. as to communal lands in the Provinces in the Lands Committee (instead of the district Chief) in trust for the particular community concerned;
 - iv. as to family lands held under family tenure in the Province in the family as a unit;
 - v. as to land held under Customary tenure in the Provinces in the Committee/Village Area Lands Committee or the family which made the grant of usufructuary rights in perpetuity to the groups or individuals or corporate entity subject to the grantor's residuary rights.

Strategic Actions

Measures will be taken to

- i. Amend the relevant Act concern by inserting therein appropriate provision for such vesting of the sovereign title to all Government/State lands, Community and others lands in The Gambia in the manner to Minister responsible for land at the time;
- ii. Amend or repeal the Act that are conflicting by a new enactment providing for same.
 - (a) The vesting of community lands in the Community in trust for the particular communities concerned
 - (b) The vesting Village Area Lands in the Village Head or the original owners;
 - (c) Vesting of Family Lands in the Family as a unit;
- iii. Make provision in the new comprehensive land statute to recognize all the tenure under customary law.
- iv. A comprehensive Act should be enacted to incorporate all legal reforms.

Exercise of the Sovereign Power of Compulsory Acquisition

Compulsory acquisition is the power of the State to acquire or extinguish any title or other interest in land for a public purpose. This power is expressly provided for in the constitution of

most African countries to be exercised subject to the payment of compensation and other conditions, such as right of access to justice in the event of dispute over non-payment or inadequacy of the compensation. Thus, section 22 (3) Constitution of The Gambia 1997 provides that.

“Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property interest is held by a body corporate which is established directly by any law and in which no monies are provided by an Act of the National Assembly.”

Policy Statements

- a. The sovereign power of the State to identified several lands across the country compulsorily for public use, such as parks, hospital, market, cemetery, schools police station and national security matters and other recreational purposes, but subject to payment of compensation, shall be expressly provided for in the Constitution of The Gambia and any statute vesting similar power in any organ or agency of Government shall provide that such power be exercised subject to the Constitution.
- b. Provisions will be made in the Constitution and/or accompanying legislation and policies to:
 - i. Clearly define the concept of public purpose in law, in order to allow for judicial review.
 - ii. Ensure that all actions are consistent with national laws as well as their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.
 - iii. Respect all legitimate tenure right holders, especially vulnerable and marginalized groups, by acquiring the minimum resources necessary and promptly providing just compensation in accordance with national law.
 - iv. Ensure that the planning and process for expropriation are transparent and participatory, and should provide information regarding possible alternative approaches to achieve the public purpose.
 - v. Be sensitive where proposed expropriations involve areas of particular cultural, religious or environmental significance, or where the land, in question is particularly important to the livelihoods of the poor or vulnerable.
 - vi. Ensure a fair valuation and prompt compensation and provide options for compensation. To prevent corruption, particularly through use of objectively assessed values, transparent and decentralized processes and services, and a right to appeal.
 - vii. Government shall ensure that implementing agencies have the human, physical, financial and other forms of capacity.
 - viii. Where the land expropriated are not needed due to changes of plans, give the original right holders the first opportunity to re-acquire these resources. In such a case the re-acquisition shall take into consideration the original amount of compensation received in return for the expropriation.
 - ix. Where evictions are considered to be justified for a public purpose as a result of expropriation of land and land-based resources, conduct such evictions in a manner consistent with the obligations to respect, protect, and fulfill human rights.

Strategic Actions

- i. The State will exercise the power of compulsory acquisition uniformly and consistently throughout The Gambia and strictly in the public interest for national development purposes and in accordance with the conditions laid down in the Constitution and other relevant statutes;

- ii. A uniform method of valuation shall be prescribed for the exercise of the power of compulsory acquisition to include adequate prior notice to and consultations with all persons to be affected, prompt payment of fair compensation and due recourse to justice in the event of any dispute;
- iii. The scope for exercise of the power of compulsory acquisition shall be limited to developmental purposes only and in particular to ensure resettlement, physical planning, and orderly development;
- iv. Where the State's power of compulsory acquisition is delegated to State organs or agencies the power should be exercised in strict compliance with the conditions prescribed in the relevant laws;
- v. Prescribe, in a set of regulations and guidelines, the specific conditions under which property may be compulsorily acquired, procedure for prior notice and consultation, the exact and proper roles and responsibilities of the different State organs and agencies in the exercise of this power; and;
- vi. Any existing provision of a statute which gives arbitrary power to any government organ, agency or other entity to compulsorily acquire land in private ownership or arbitrarily fix compensation shall be repealed;
- vii. Where those affected are unable to provide for themselves, to the extent that resources permit, take appropriate measures to provide adequate alternative housing, resettlement or access to productive livelihoods.

Policy Statement

The State will exercise the power of public regulation of land use, strictly in the interest of environmental sustainability, socio-economic welfare and development.

Strategic Actions

Measures will be taken to:

- i. Review existing legislation expressing the police power of the State to conform with the provisions of the national land policy, constitutional guarantees and international human rights obligations generally;
- ii. Prescribe guidelines for the exercise of the police power by the State and local councils for purposes of harmony of application by all stakeholders;
- iii. Ensure that the use of police power by State agencies take account of sub-sectorial policies and laws on land use, the environment and natural resources;
- iv. Ensure compliance with the laws and regulations for land use, both in urban and rural areas by securing compliance through incentives and rewards as well as through sanctions and penalties;

The Protection of Land Rights of others

Though the protection from discrimination on grounds of gender, ethnicity, race and other forms of discrimination is one of the fundamental rights guaranteed by the Constitution the impact of the relevant provision is severely attenuated by a claw-back clause.

- 1) The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by all organs of the Executive and its agencies, the Legislature and, where applicable to them, by all natural and legal persons in The Gambia and shall be enforceable by the Courts in accordance with this Constitution.
- 2) Every person in The Gambia, whatever his or her race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter, but subject to respect for the rights and freedoms of others and for the public interest.

Policy Statements

Government will:

- a. Guarantee and protect the right to land in the laws without discrimination.
- b. Maintain and/or provide policy, legal and organizational frameworks that promote responsible governance of tenure of land and land-based natural resources that are dependent on, and are protected by existing laws and broader reforms to the legal system, public service and judicial authorities;
- c. Ensure that frameworks reflect the social, cultural, economic, and environmental significance of land and land based resources, and are non-discriminatory and promote social equity and gender equality.
- d. Ensure that policy, legal and organizational frameworks for land tenure governance are consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.
- e. Ensure that tenure governance recognize and respect, facilitate, promote and protect the exercise of tenure rights including legitimate customary tenure rights that are not currently protected by law;
- f. Ensure that frameworks reflect the interconnected relationships between land, fisheries and forests and their uses, and establish an integrated approach to their administration.
- g. Consider the particular obstacles faced by women and girls with regard to tenure and associated tenure rights, and take measures to ensure that legal and policy frameworks provide adequate protection for women and that laws that recognize women's tenure rights are implemented and enforced.

Strategic Actions

- i. Government will undertake to incorporate provisions to protect the right to land of everyone in the new Constitution that will usher third republic;
- ii. Government will ensure that appropriate provisions are inserted in a new basic land law to protect the rights of access to inheritance and ownership of land for everyone especially women and children;
- iii. Frameworks for implementation shall ensure that women can legally enter into contracts concerning tenure rights on the basis of equality with men and should strive to provide legal services and other assistance to enable women to defend their tenure interests.

CHAPTER 6: LAND RIGHTS ADMINISTRATION AND INSTITUTIONAL FRAMEWORK

6.1 Introduction

Land administration involves establishing clear land ownership and tenure, maintaining accurate and up-to-date land records, and implementing policies and regulations to govern land use and development. Effective land administration is crucial for socio-economic development, this can be seen in the case of its provision of a foundation for securing of property rights, facilitation of investment on land and infrastructure, supporting agricultural productivity, and promoting sustainable urban planning and regional development.

In The Gambia, like many other countries, challenges such as weakness in land governance, the issue of land dispute, inadequate documentation, and complex land tenure systems hinder efficient and effective land administration. Addressing these issues are crucial for the proper management and utilization of land resources in the country.

6.2 Land Rights Administration System

Land administration in the Gambia is based on the rights accorded to individuals and institutions under the three existing land tenure systems: customary tenure, freehold tenure and the state land tenure. The administrative system for customary land which comprises over 60% of land in The Gambia faces significant challenges. It is difficult to ascertain title to customary land, given the poor record keeping system at the level of the local land authorities (Alkalolu, Chiefs).

The process of land documentation is cumbersome and lengthy, further exacerbated by over-centralization of land-related services, making them inaccessible to rural populations. The administration of state land which primarily covers the Greater Banjul Area has been overburdened due to the lack of decentralization of customary land administration. Because of poor documentation and regulation of land administration at the customary level, owners of customary land often seek to register their land as state land, which increases the workload on government agencies and prolongs the leasing and registration process.

These challenges are further intensified by a rapidly growing real estate sector operating in both customary and state land, with limited regulation and high incidence of unregistered land sales or inappropriate acquisition of large tracks of customary land in the rural and semi urban areas. Moreover, overlapping institutional mandates at both state and local levels cause confusion and conflict of mandates, and inefficiencies in land administration. Additionally, there is a lack of comprehensive policies to address these challenges.

Policy Statements

- a. The government will restructure the land rights administrative system to enhance efficiency, ease of access and cost effectiveness.
- b. The government will harmonize the customary system with the formal statutory system in land administration.

Strategic Actions

To restructure and re-engineer the land rights administration system, the Government will take measures to:

- i. Decentralize the registration of land titles.
- ii. Conduct a study on the ownership of land in the designated state land area.
- iii. Strengthen the hierarchical structures of the land rights administration to enable customary institutions to operate as the tiers of the first instance with respect to land held under customary tenure.
- iv. Harmonize the administration of customary and state land structure.
- v. Develop mechanisms for full and effective participation of landowners and users, especially women, in all land rights administration functions.
- vi. Maintain clear separation between the land rights administration system and public or political administration
- vii. Provide land administration institutions with adequate resources at all levels of operation.

6.3 Institutional Framework for Land Administration

The land administration system in the Gambia is supported by a range of key institutions at both the state and local government levels (See Box 1). These institutions serve as duty bearers, responsible for delivering land rights and registration services to the general public, who are the rightful owners or users. However, the system faces coordination challenges, institutional overlaps, and unclear procedures for citizens and foreign investors seeking services. These inefficiencies result in delays and frustrations, with some processes such as the lease applications, taking over three years and involving up to 83 procedural steps.

The lack of effective coordination and harmonization among institutions weakens service delivery and reduces public trust, investor confidence, hindering the productive use of land resources. In some instances, poor coordination has resulted in conflicts where an institution grants land related approvals without consulting other mandated authorities.

Furthermore, weak enforcement of laws governing institutional mandates and the existence of conflicting legal frameworks exacerbate these challenges, leading to inefficiencies and gaps in accountability. Addressing these issues requires a well coordinated, transparent and integrated approach to land administration, one that ensures clear institutional mandates, streamlines processes, and eliminate institutional conflicts. A harmonized and efficient land administration system will enhance service delivery, strengthen public confidence, and promote sustainable land use, thereby contributing to national development goals.

Policy Statements

- a. The government will establish a coordinated, transparent, and inclusive institutional framework for land administration that integrates customary and statutory systems, strengthens governance at all levels, and ensures equitable access, sustainable land use, and effective dispute resolution.
- b. The government will restructure the institutional framework for land administration and management to restore public confidence, efficiency, cost-effectiveness, and equity in the delivery of land services.

Strategic Actions

- i. Establish a national land coordination committee to improve communication and collaboration between land-related institutions.
- ii. Review and harmonize existing land laws to clarify the roles and responsibilities of institutions managing land
- iii. Establish clear guidelines for land allocation, registration, and management across all levels of governance.
- iv. Empower regional and local institutions to manage land administration processes within their jurisdictions.
- v. Strengthen regional offices equipped with the necessary tools and staff to handle registration, surveying, and dispute resolution.
- vi. Institutional restructuring and establishing of a unit/directorate at central level to ensure effective coordination and monitoring of land reform agenda

To reform the delivery of land services, Government will:

- i. Strengthen oversight bodies, such as the Lands Commission, Planning Board and Planning Authorities, to monitor and evaluate compliance with land policies and regulations.
- ii. Review of the present structure and functions of the Lands Commission prescribed in the Lands Commission Act, 2017 to revamp its institutional mandate and human resources capacities, expand its areas of competence, and include the following new functions under its purview:
 - a. Manage public lands on behalf of the government
 - b. Advise government and local authorities on land policy and ensure that land allocation and spatial development are coordinated within agreed plans by land stakeholders.
 - c. Analyze land issues and submit reports to government as may be required in the context of the national development plan of the government.
 - d. Investigate land disputes in any part of the Gambia, monitor the registration of properties and inspect land registers and records.
 - e. Handle all matters relating to national boundaries, including monitoring internal boundaries and advising the Minister.
 - f. Monitor and exercise over-sight responsibilities in land administration, land allocation, and land use planning throughout the Gambia
 - g. To give the Commission the mandate to adjudicate land disputes.

6.3.1 Land Administration Institutions and Their Responsibilities

Ministry of Lands, Regional Governments and Religious Affairs (MoLRG&RA)

The Ministry of Lands, Regional Governments and Religious Affairs is the statutory body charged with the responsibility of administering Land and all its legal frameworks and ensuring the development and implementation of all land policies. The ministry's technical departments comprise the Department of Lands and Surveys (DLS) and the Department of Physical Planning and Housing (DPPH). While the DLS is responsible for technical land management, land tenure, survey and valuations, mapping and demarcation, the DPPH is tasked with the mandate of land use planning, management and development control and housing matters. Other national ministries maintain responsibility for certain developments of land.

National Lands Commission

The Lands Commission is a statutory body established to enhance land administration and address issues related to land allocation. Its mandate encompasses advising the Minister of MOLRG on land administration policies and ensuring their effective implementation. The Commission is also tasked with investigating disputes over land ownership and occupation, assessing land rents, monitoring property registration processes, and inspecting land records to uphold transparency and accountability. Additionally, it plays a crucial role in overseeing and reporting on matters related to national boundaries.

Department of Lands and Survey (DLS)

The Department of Lands and Surveys serves as the secretariat of the Lands Commission. The department's responsibilities encompass land surveying, topographical and cadastral mapping, land and property assessment, and providing technical advice to the Minister (via the Permanent Secretary) throughout the land leasing procedure. The Department is in charge of lease preparation, allocation, mapping and demarcation of the government territorial land under the authority of the Minister of Lands.

National Planning Board (Physical Planning)

The National Planning Board is tasked with the primary responsibility of authorizing and directing the preparation of the national plan, local plans and the development plans. The Board also has the function of providing advice to the Minister on the formulation of general physical development plans and policies for the country as a whole or for any specific part thereof as may be necessary.

Planning Authority (PA)

There are Planning Authorities for Banjul and Kanifing Municipality and each region. The PAs' responsibilities include the preparation of draft plans which are classified into local plan, regional plans and development plans. All Planning Authorities report to the National Planning Board. The Planning Authorities oversee the physical planning related matters with the director of Physical planning as the secretary to the authority. For each regional planning authority the director of DPPH delegates his powers to the regional physical planning officer in the form of regional postings to serve and represent the department in implementing its mandates.

Department of Physical Planning and Housing (DPPH)

The Department of Physical Planning and Housing (DPPH) oversees the nation's physical development plan, housing development, development control enforcement, planning permit issuance, coordinated planning of towns and cities, and rural community planning. In addition, DPPH is mandated to advise the Department of Lands and Survey on applications for leases and ensure that such applications conform to local plans.

Regional Governors

There are 5 regions namely West Coast Region, North Bank Region, Lower River Region, Central River Region and Upper River Region. Each region is headed by a Governor who presides over the administrative functions. The regional governors are the principal representatives of the central government. They coordinate the activities of the decentralized structures of all Ministries, Departments and Agencies. They also ensure that power including land administration is properly devolved to appropriate levels. The regional governor also maintains the power of review over district tribunal decisions, presided over by Chiefs and Alkalolu (traditional leaders).

Regional Governments/Local Government

The Regional Governments also known as the Local governments or Councils are established by an act of Parliament solely to decentralized administrative functions and bring government to the door-steps of the people. There are eight (8) local government administrative regions; two are headed by Mayors and the other six (6) by Chairpersons. The Councils are divided into two: Governance and Administration. Governance is composed of elected and nominated members and headed by a Mayor or Chairperson who is responsible for the formulation of policies and programs while administration is composed of management, headed by a Chief Executive Officer (CEO), who oversees the day-to-day running of the policies and programs of the Council. Within the MoLRG there exists the Governance Directorate responsible for the management of the councils and all traditional leaders at the central government level.

Chiefs and Alkalolu (Traditional Leaders)

The Chiefs and Alkalolu are the community heads and custodians of customary land. Aside from land allocation, drawing of communal and individual land boundaries, the Chiefs and Alkalolu adjudicate and retain the history of land ownership rights at district and village levels respectively. They are established by law to safeguard the traditions, customs and culture of their villages and districts and promote the well-being of their people; to promote good order and stability in their district; to preside over the district tribunal, hear and determine matters over which they have jurisdiction according to law; to promote the general well-being of the district; to keep a register of every village in the district, and to perform such other duties as may be assigned to them by the council or the governor. The traditional authorities play a central role during the allocation of customary land and in settling land disputes.

Deeds Registry, Ministry of Justice

Regarding land in The Gambia, the office in charge of registering leases, assignments, conveyances, mortgages, caveats, and sales agreements is the Deed Registry under the Registrar General's Department, within the Ministry of Justice. After the registration procedure is finished, all copies are filed by the office for reference and future use. The agency provides certified copies of all pertinent deeds in addition to searching and verification services.

The Gambia Tourism Board (GTB)

The Board is responsible for allocating land for tourism investment in the designated Tourism Development Areas (TDA) (for example, eco-tourism, hotels, accommodation, beach bar), supporting cultural events, and promoting domestic tourism. The territory is situated along the Greater Banjul Areas, specifically in the Serrekunda conurbation and the West Coast Region (also known as the Kombo area).

Ministry of Environment, Climate Change and Natural Resources (MECCNAR)

The Ministry is tasked with supervising and directing the creation and execution of environmental, climate change, and natural resource management policies and initiatives in The Gambia. The line agencies and departments that work with the MECCNAR include the National Environment Agency (NEA), the Department of Parks and Wildlife, and the Department of Forestry. The Minister of Environment who is responsible for Forestry has the mandate to designate any regions' land as forest parks and reserved forests where it appears to the Minister that the forest growth on the lands should be protected or reserved in consultation with MoLRG&RA. Meanwhile, the National Environmental Agency is responsible for providing environmental clearance for land development or exploitation initiatives that may have a negative impact on the environment commonly known as environmental impact assessment.

Ministry of Agriculture, Livestock, and Food Security (MoALFS)

In addition to developing the strategies, programs, and projects required to advance the sector, the Ministry of Agriculture (MoALFS) is tasked with creating policies for the growth of agricultural, and rural development. Increasing agricultural output, meeting food demands, providing paid jobs and income for agro-workers, and generating foreign exchange through the export of agricultural products are all within the purview of the Ministry of Agriculture. The Department of Agriculture, the National Agricultural Research Institute (NARI), the Gambia Livestock Marketing Agency, the Directorate of Livestock Services, the West Africa Livestock Innovation Centre, and the National Seed Secretariat make up the Ministry of Agriculture.

Geology Department, Ministry of Petroleum and Energy

The Geological Department, Ministry of Petroleum and Energy endeavours to continuously generate, collect, store and archive relevant geoscientific data, and disseminate data and information in a user-friendly way to government, private sector, and the public at large. The Geological Department initiates, promotes, coordinates, implements, regulates and standardize all geoscientific programmes pertaining to mineral exploration and development in the Country; they collect, store and disseminate information relating to the geological and mineral resources in The Gambia. The department is also responsible for identifying, monitoring and managing all mining and quarrying sites including sand, gravel and other construction materials.

Gambia Revenue Authority (GRA)

The Gambia Revenue Authority is responsible for the administration of government revenue collection from registered state land resources under various tax regimes including: Stamp duty tax, rating valuation, income and value added tax, capital gains tax, and general rates amongst others.

Gambia Investment and Export Promotion Agency (GIEPA)

GIEPA is responsible for investment land zoning in the Gambia. The Agency has also engaged in land banking in collaboration with MoLRG for investment and serves as the intermediary between investors and land holders where it obtains leases on community land and sub-leases these lands for investment purposes.

Ministry of Fisheries and Water Resources (MoFWR)

It is the ministry responsible for the water covers and underground, fisheries, and all marine resources.

Ministry of Works, Transport and Infrastructure (MoWTI)

MoWTI is responsible for the national roads, air, and sea transport networks, and infrastructural development including public buildings.

Social Security and Housing Finance Corporation (SSHFC)

SSHFC is responsible for the provision of affordable housing and they are also involved in land banking

6.4 Land Registration/ Rights Delivery

The delivery of land registration varies under the 3 existing land tenure systems in the Gambia and there is a need for greater harmonization and formalization to improve security of land rights. Regional land held under customary tenure are not registered at state level and this has made it easy for such lands to be sold and resold or sold to numerous persons without any records. The falsification of land papers is prevalent due to the use of paper-based processing procedures.

In addition, due to the cumbersome and lengthy nature of the current process of land registration, right holders often do not understand the correct procedures for land registration. A customary title holder, whose land is designated state land is accorded a deemed lease which is a transitory

status, in which he/she should apply to the state to be issued with a title deed for lease. Currently in the state lands it is notable that individuals are registering deeds of assignment/conveyance for properties held under customary tenure as a “deemed lease” (incomplete lease), without applying for title deeds. The small proportion of the populace that is actually aware of this are hesitant because of the bureaucracy and too many institutions involved in getting such applications approved.

A deemed lessee is required to apply for a certificate of occupancy to prove their customary title over the land issued by the district authority and endorsed by the Seyfo, the Alkalo, and the area council. It is accompanied by a physical planning land use report. However, as mentioned above, regions' lands in customary tenure are not recorded properly rendering it impossible to track monitor, or manage regions' land assigned to or occupied by any person so accurate investigations and reviews on land titles cannot be conducted efficiently or accurately. The general public casually refers to customary land as “freehold” land which is incorrect, as customary tenure land is distinct from freehold land.

Currently, State land registration in the GBA is less cumbersome as from the position of the law and existing procedures, the Alkalolu and Chiefs and Area Council of Kombo North, Kombo South, and Kombo Central no longer have the authority to grant consent or approval to any transaction relating to lands in these areas but are required to attest to a deemed leases ownership. The lack of digitalization and prevalence of paper-based administration has led to illegal allocation through double-land registration, missing files and inadequate monitoring and tracking system for applications.

Policy Statement

The government will ensure that all levels of land registration and documentation processes are transparent, accountable, efficient, cost-effective and accessible to the public

Strategic Actions

To meet the needs of the public, the government will:

- i. Make the leasing process simple and efficient.
- ii. Simplify customary registry practices through the introduction of certificate of customary ownership at the level of traditional leaders.
- iii. Develop standards to enhance the authenticity of land title documentation.
- iv. Develop guidelines for transparent land allocation, registration, and transfer procedures.
- v. Promote public private partnership to pilot the digitization of the land registration process.
- vi. Conduct a national land audit to establish the ownership of unaccounted land.
- vii. Upgrade the deed registry system with systematic parcel referencing for systemic tracking of changes in land ownership and conduct regular maintenance of the registry system.
- viii. Conduct service process simplification to reduce bureaucratic bottlenecks by introducing streamlined, time-bound and monitoring processes for issuing land title documentation.
- ix. Digitize land records to improve accessibility, accuracy, and security and establish a centralized land information management system for seamless data sharing across institutions.
- x. Establish a one-stop center for land registration and documentation at both national and regional levels.

- xi. Establish legal aid programs to assist vulnerable groups in securing land rights.
- xii. Develop client charters at both central and local government institutions to improve public awareness on the application of land services.

6.5 Land Rights Demarcation, Mapping and Survey

The effective performance of land rights demarcation, mapping, and survey functions faces significant challenges. These include a shortage of qualified personnel, limited resources, and the absence of clear boundaries across villages, and districts. Despite the critical role of Chiefs and Alkalolu as custodians of customary land, their reliance on unwritten records and traditional knowledge increases the risk of permanent loss of vital land information due to mortality.

Survey documents on the boundaries of land ownership which provides detail diagrams, sketches, and plans that guarantee clear boundaries of villages according to the spatial plans are inadequate. This makes inter-village boundaries either overlapping or unclear. The lack of cadastral maps and detailed survey plans further complicates land registration and management. The absence of accurate diagrams, sketches, and plans to define boundaries, overlapping claims, and inter-village disputes are prevalent.

Moreover, logistical challenges such as inadequate transport, precision tools, and equipment hinder the ability of land inspection officers to conduct physical inspections, registration, and mapping effectively. The absence of a modernized system for land rights adjudication and systematic demarcation has left customary practices as the primary means of boundary marking. While these practices are deeply rooted in tradition, they often lack the precision required for sustainable and equitable land governance. The scarcity of infrastructure to support surveying functions, coupled with insufficient archival systems for Chiefs and Alkalolu, exacerbates these challenges, contributing to land conflicts and unauthorized encroachments.

Policy Statement

The government will enhance the quality of land demarcation, survey, and mapping to improve tenure security and support sustainable land use.

Strategic Actions

To improve the quality of demarcation, surveying, and mapping, the government will take measures to:

- i. Constitute and establish a Land Surveyors Board to effectively regulate the profession of land surveying, mapping, and registration of surveyors
- ii. Regulate the cost of surveys and mapping to facilitate registration of land under all tenure systems.
- iii. Increase the number of survey officers at central and regional levels.
- iv. Promote the use of para-surveyors and use of simple digital tools to improve the accessibility of mapping and documentation of land.
- v. Invest and promote the use of modern technology such as Global Positioning Systems (GPS), remote sensing and drone technology to improve the accuracy of survey data.
- vi. Conduct a cadastral survey of the Gambia.
- vii. Establish strict standards and regulations for cadastral mapping, engineering and topographical surveys.
- viii. Retain as the basic framework for surveys and mapping geodetic surveys, hydrographic surveys and base mapping as public functions;

- ix. Systematically recognize and confer official status on community- based boundary marking systems for land held under customary tenure;
- x. Develop *standards* for the preparation of maps, cadastral and deed registry plans by public and private agencies;
- xi. Sensitize the community on the functions of surveys and mapping.

6.6 Land Information System

Sustainable development demands an integrated approach to decision-making, where economic, social, political, conservation, and resource management factors are considered in harmony. Achieving this balance requires access to accurate, relevant, and interactive information systems. In this context, information technology, spatial data infrastructures, multi-purpose cadastral systems, and land information business systems are critical components of modern land administration.

However, the current state of land records system in the Gambia has significant challenges that hinder the development of a robust electronic Land Administration Information System (LIS). Land records are often poorly maintained, with many in a state of disrepair or stored in unsuitable conditions such as congested, poorly ventilated spaces or even on the floor. These conditions increase the risk of loss or destruction of vital records, jeopardizing effective land administration. A systematic parcel referencing system is lacking, leading to the potential for multiple registrations of the same parcel of land. The existing Deed Registration System, which is hosted in the cloud and linked to the tax payment system, is insufficient as it fails to include critical components such as land boundary measurements, cadastral maps, land use data, and land valuation records.

This limitation underscores the urgent need for a comprehensive LIS that integrates all essential land data layers into a unified platform. The current system also suffers from outdated, paper-based filing methods, which are inefficient and vulnerable to abuse or loss. Traditional authorities, such as Chiefs and Alkalolu, who play a key role in land administration, lack proper systems for managing land records. This gap not only threatens the integrity of land administration but also undermines efforts to digitize and modernize land governance processes.

Policy Statement

The government will develop a reliable and user-friendly Land Information System, spatial data infrastructures, and multi-purpose cadastral systems to enhance land registration, efficient land management, and increase public access to land data.

Strategic Actions

To establish and maintain a functional Land Information System, Government will take measures to:

- i. Develop data standards for geo-information comprising among others, feature definitions, data content, spatial referencing and accuracy;
- ii. Prepare and implement national guidelines to improve the quality and quantity of land information;
- iii. Amend all relevant laws to enable the streamlining of the land documentation process.
- iv. Synchronize the land information system with other relevant services in relation to land administration and management.

- v. Establish, rehabilitate, re-organize, upgrade, authenticate and digitize existing land records in readiness for the establishment of a computerized land information system;
- vi. Computerize and update existing land use records to support the land information system.
- vii. Decentralize and present the proposed land information system in a language understood by the general public.
- viii. Promote public private partnerships in the digitization and modernization of land administration.

6.7 Land Dispute Resolution

Land disputes remain a pervasive challenge in The Gambia, contributing significantly to the backlog of civil cases in the judicial system. According to ADRS, in 2022 alone, 4,768 cases were reported, representing 42% of all cases lodged in courts, with a large portion related to land conflicts. The West Coast Region stands out as a hotspot for such disputes, driven by multiple factors, including unclear boundaries at the compound, village, and district levels, the multi-sale of land by Alkalolu and Chiefs, and the unregulated activities of real estate agencies.

Additional causes include delays in issuing land ownership records, disputes over compensation for government projects, and conflicts between crop farmers and livestock owners. Customary land administration further complicates the landscape, as Seyfos and Alkalolu oversee land allocations and also preside over related disputes through district tribunals. This dual role raises n of conflict of interest and questions the impartiality of dispute resolution mechanisms. Inadequate skills in land dispute resolution and the lack of a clear separation of powers exacerbate the problem. Technical deficiencies, such as the use of low-accuracy handheld GPS devices and smartphone apps for field surveys and mapping, also contribute to boundary overlaps and disputes. These inaccuracies undermine confidence in land records and fuel disagreements over boundaries and ownership. To address these issues, there is a pressing need to strengthen the capacity for land dispute resolution, particularly through decentralized and alternative dispute resolution (ADR) mechanisms. This requires equipping local authorities with the skills and resources necessary to mediate and resolve conflicts efficiently and fairly. Moreover, separating the administrative and judicial functions of traditional authorities will enhance impartiality and accountability.

Policy Statements

- a. The government will establish an accessible, transparent, and efficient land dispute resolution framework that harmonizes customary and statutory systems, promotes equitable outcomes, and ensures timely resolutions to enhance land tenure security and social stability.
- b. The government will strengthen the administrative land tribunals, adequately resourced, and facilitated to enable them to carry out their constitutional mandate.

Strategic Actions

To promote transparent and efficient dispute resolution, Government will:

- i. Provide clear rules for the application of law by land tribunals to permit hierarchical application of state and customary law depending on the circumstances, facts, and characteristics of the dispute in question.

- ii. Establish public grievance mechanisms to address institutional performance or corruption complaints.
- iii. Formulate a real estate bill and regulations.
- iv. Develop a resettlement policy and action plan to ensure land compensation is effected prior to acquisition.
- v. Accord precedence to Indigenous principles and practice in dispute management institutions in respect of disputes over land held under customary land tenure
- vi. Train community leaders in land-related legal matters and dispute resolution practices.
- vii. Engage traditional authorities, and elders, in dispute-resolution processes while ensuring alignment with national laws.
- viii. Create platforms for dialogue between customary and statutory actors to address conflicting interpretations of land rights
- ix. Establish mediation and arbitration centers at the community and district levels to resolve disputes quickly and cost-effectively
- x. Train mediators and arbitrators in culturally sensitive approaches to land conflict resolution.
- xi. Digitize land records and maps to improve clarity on land boundaries and ownership, reducing potential disputes.
- xii. Establish specialized land courts or tribunals to handle land disputes exclusively.
- xiii. Promote the use of community-based approaches such as negotiation and consensus-building for minor disputes.
- xiv. Provide training programs for local leaders, civil society organizations, and government officials on conflict resolution and land governance.
- xv. Ensure that all land transactions are publicly recorded to prevent fraudulent claims.
- xvi. Set up a national system to monitor and evaluate the performance of land dispute resolution mechanisms.
- xvii. Collect and analyze data on land disputes to identify trends, root causes, and areas requiring intervention.

6.7.1 Redistribution and Resettlement

Government of The Gambia embark on redistributive land reform that provide special social and environmental requirements using legal and administratively approved procedures of land acquisition and compensation and based on suitable and consultative process to determine allocation criteria.

The Government should provide non-discriminatory and gender-sensitive assistance based on clearly defined eligibility criteria that affect persons or households in acquiring tenure rights to sustain themselves. The services of implementing agencies and judicial authorities, to participate in the processes of acquiring property that could affect the livelihoods of the citizenry. Land redistribution be done to provide the disadvantaged and the poor to have access to land for residential and productive purposes, and to redress unplanned development, environmental degradation, gender inequalities and trans-generational discrimination.

Policy Statement

Government will pursue land redistribution and restitution to provide for the disadvantaged and the poor and to redress environmental degradation, gender inequalities and discrimination.

Strategic Actions

Government will

- i. Facilitate the development of consultations, consistent with the implementation principles of the NLP, on the redistribution, including balancing the needs of all parties, and on the approaches to be used.
- ii. Define eligible beneficiaries of redistributive reforms and indicate land exempted from such redistribution.
- iii. Establish a clear legal framework and policies, through participatory processes, for identifying, verifying and recording genuine and other potential beneficiaries.
- iv. Establish a clear legal framework for identifying suitable land for redistribution and use constitutional and legally defined procedures of land acquisition;
- v. Establish clear and equitable criteria for allocation of settlement scheme.
- vi. Ensure equal access and equal treatment of men and women and bearing in mind the needs of the DAPs in redistributive reforms.
- vii. Facilitate the development of consultations, consistent with the principles of the VGGT (voluntary guidelines on the responsible governance of tenure), on the redistribution, including balancing the needs of all parties, and on the approaches to be used.
- viii. Endeavour to prevent corruption in redistributive reform programmes, particularly through greater transparency and participation.
- ix. Monitor and evaluate the outcomes of redistributive reform programmes, including associated support policies, and their gender-differentiated impacts on access to land and food security of both men and women and, where necessary, introduce corrective measures.

6.7.2 Expropriation, Compensation and Restitution

The Government will:

- i. Develop gender-sensitive policies and laws that provide clear transparent processes for restitution. Information on restitution procedures should be widely disseminated in applicable languages.
- ii. Provide a publicly accessible mechanism for the right to appeal if people believe their tenure rights have not been fully recognised. Such a mechanism shall be managed by an Ombudsman, the judiciary or land administrative institutions.
- iii. Compensate for lands acquired by Government for resettlement, re-development, and other purposes must be fair and adequate in accordance with open market value.
- iv. Where appropriate, restitution for the loss of legitimate tenure rights to land, and access to natural resources must be considered.
- v. Ensure that all actions are consistent with environmental and social safeguards assessment (ESIA) laws and regulations and existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.
- vi. Claimants should be provided with adequate assistance, including through legal and paralegal aid, throughout the process. States should ensure that restitution claims are promptly processed. Where necessary, successful claimants should be provided with support services so that they can enjoy their tenure rights and fulfill their duties. Progress of implementation should be widely publicized.

6.8 Land Rights for Vulnerable Groups and Minorities

6.8.1 Vulnerable Social Groups

Vulnerable social groups such as Differently Abled Persons, children, youth, the elderly and women require special protection regarding their land rights.

Policy Statement

Government will adopt measures that facilitate access to land, infrastructure and basic services to children, Differently Abled Persons living with disabilities, youth, women, elderly and other vulnerable groups.

Strategic Actions

Government will:

- i. Develop mechanisms for identifying, monitoring and assessing vulnerable groups.
- ii. Facilitate their participation in decision making in respect of land tenure rights
- iii. Protect their land rights from unjust and illegal expropriation.
- iv. Enforce the legislation/laws and supervise the appointment of guardians for orphans and children to safeguard their land rights.
- v. Review the legislative framework to provide that being a minor does not constitute a barrier to proprietorship where circumstances indicate that conferring ownership rights upon a minor would be appropriate.
- vi. Review, harmonize and consolidate all the laws relating to children's inheritance of family land in order to recognize and protect the rights of orphans.
- vii. Review the laws on trusts and administration of estates with a view to ensuring that trustees act in the best interests of the beneficiaries of trusts and estates; and
- viii. Carry out public education campaigns to encourage the abandonment of cultural practices that bar children, women, youth and DAPs from inheriting family land.

6.9 Revenue Generation and Fiscal Functions

Decentralization of the land rights administration system under the State Land Act and Local Government Act has created opportunities for revenue generation and fiscal management through land taxes, land rates, stamp duty, rental and through delivery of land services. The deed registry system is fully online and connected to the tax payment system, this is helpful in helping government revenue generation.

However, revenue generation by the government is significantly limited due to the low registration of land at less than 20%. The revenue potential from broadening the tax base by registering all land is estimated close to GMD 300 million per year. Poor enforcement of land registration has also encouraged land banking and unproductive use of land especially in the urban areas where land in prime areas remain undeveloped and untaxed. This has contributed to increase in land prices and limited access to land.

Policy Statement

The government will develop the capacity for effective revenue generation and fiscal management of land sector institutions.

Strategic Actions

- i. Review land taxation laws and create other avenues for revenue generation in the land sector.
- ii. Develop strategies to promote the registration of land as a mechanism to broaden the tax base.
- iii. Monitor the performance of institutions charged with the collection of revenue generated from land sector operations to avoid misappropriation and wastage.
- iv. Establish a locally realistic billing system and charges for all levies.
- v. Control levies on land transactions in urban and rural areas through guidelines administered by local governments; and
- vi. Streamline fiscal transfers between national, local, and community land rights delivery institutions, to ensure equity in the sharing and use of land services revenue.
- vii. Introduction of new tax on land which are not use productively.

6.10 Institutional Strengthening and Capacity Development

The Ministry of Lands, Regional Government, and Religious Affairs (MLRG&RA) faces several capacity and institutional challenges that hinder its ability to effectively manage land administration and service delivery. Key departments within the Ministry operate with insufficient staffing levels, and there are significant gaps in technical expertise among personnel. Many staff members lack academic qualifications aligned with their roles, particularly in specialized units such as land surveying, cartography, and valuation services. This lack of capacity has resulted in inefficiencies, including inaccuracies in survey data and weak records management systems. Technology gaps compound the challenges. Outdated tools and systems are used for key processes such as land surveying and records management, leading to inaccurate land records and boundary disputes. The absence of an integrated National Land Administration System (NLAS) limits the Ministry's ability to maintain comprehensive and reliable land data.

Decentralized capacity at the community level also remains a challenge. Chiefs and Alkalos lack formal training and tools for land records management, leaving critical information unwritten and at risk of loss. The lack of systematic land records contributes to widespread land disputes, with insufficient mechanisms for alternative dispute resolution and conflict management. External institutions engaged in land-related activities, including the Gambia Tourism Board (GTB) and the Ministry of Agriculture (MoA), also face capacity constraints. Limited resources and technical expertise in these organizations hinder effective land management and service delivery in their respective sectors. To address these challenges, targeted capacity-building initiatives are essential. Investments in human resource development, technological modernization, and institutional reforms are critical to creating a more efficient, inclusive, and accountable land administration system.

Policy Statements

- a. The government will enhance and strengthen the capacity and efficiency of land administration institutions through targeted training, resource allocation, technological adoption,
- b. The government will enhance the capacity of local administrators to ensure effective governance and sustainable land management.

Strategic Actions

To enhance and strengthen capacity of land administration institutions, Government will:

- i. Develop a comprehensive training plan to develop the capacity of stakeholder institutions in land governance.
- ii. Provide facilities for the *training* of land rights adjudication, demarcation, survey, and mapping personnel by public or private sector agencies and communities;
- iii. Develop specialized educational programs for land administration and management, including surveyors, planners, registrars, dispute resolution mediators and other land-related disciplines at higher education institutions.
- iv. Partner with academic and technical institutions to offer diploma and certification programs in land governance and administration.
- v. Introduce incentive schemes such as promotions and performance-based rewards to retain skilled personnel.
- vi. Train staff to use and maintain modern technologies to ensure sustainability.
- vii. Develop memorandums of understanding (MOUs) to clarify roles and responsibilities across ministries, regional bodies, and local authorities.
- viii. Participate in international forums and training programs to stay updated on global land governance standards.
- ix. Enhance the capacity of local and community governance institutions to raise and utilize revenue from land sector operations.
- x. Develop a strong coordination and integration mechanisms among all sectors on land administration and management.
- xi. To reduce the unnecessary steps involved in land registration.

To empower and build the capacity of regional, district, and village authorities, the Government will:

- i. Train regional, district, and village authorities, on their roles in land administration.
- ii. Support regional district and village authorities by training them in record-keeping and providing storage facilities.
- iii. Train Alkalolu, ensuring they are literate and capable in land matters.
- iv. Empower Chiefs, Alkalolu, councils of elders, and VDCs to solve land-related disputes.
- v. Provide clerks and logbooks to chiefs.
- vi. Train clerks in IT and document management.
- vii. Empower local leaders to incorporate traditional cultures in governance.
- viii. Build capacity for public servants in rural areas.
- ix. Train Alkalolu and Chiefs in land measurement, recording, and para-surveying.

CHAPTER 7: LAND ISSUES REQUIRING SPECIAL ATTENTION

7.1 Introduction

The Government of The Gambia recognises that several land issues require special attention, including ensuring that land distribution enhances gender equity and land rights for socially vulnerable and poor groups, internally displaced persons and minorities. It is also imperative that informal settlements are judiciously managed, and that disaster and border management are effectively undertaken.

7.2 Key Issues Raised During the Consultations

These issues are the direct concerns raised during the consultations and some have been addressed in earlier sections

7.2.1 Land Administration and Governance

There is no established effective mechanism for land registration and documentation nationwide to harmonize laws and policies, thereby reducing conflicts among individuals. Customary leaders, such as Chiefs and Alkalolu have weak capacity in land administration, documentation, filing systems, and record-keeping.

7.2.2 Physical and Integrated Planning

There is no national land use plan. The existing urban and regional master plans with proper zoning and mapping of industrial, residential, agricultural, commercial and other uses are outdated. The physical and integrated plans should also capture areas that need clear-cut intervention such as structures built on roads, in flood-prone areas, and others.

7.2.3 Land Disputes and Conflicts

The prevailing delays in the court system for resolving land disputes—such as disputes between crop farmers and livestock owners, lack of proper demarcation of villages, farmlands, districts and country boundaries, conflicts over inherited land, and inter-village boundaries—need urgent attention. The issue of multiple sales of land by local authorities must also be addressed.

7.2.4 Environmental and Resource Management

Forest covers is generally not protected, preserved and conserved. Clearing forests for farmland or any other non-forestation activities should be penalised. There is an absence and weak enforcement of legal framework to check encroachment on wetlands and waterways, prevent nomadic animals from destroying trees and land, flooding, bushfires and environmental destruction.

7.2.5 Social and Community Issues

Women, youth, and Differently Abled Persons (DAP's) are excluded from land ownership and decision-making processes. The existence of cultural barriers that prevent land access for women and youth was reported as a key issue. There exists discrimination against Gambian

women married to non-Gambians in land inheritance. Additionally, inadequate provision of youth recreational land and facilities hinders social activities within communities.

7.2.6 Economic Challenges

There are several contributing factors to high cost of land and rents including the unlimited sale of land to foreigners, which deprives locals of access to land. Additionally, land is being commercialized, with people reselling plots for profit. House rents are also high, with landlords often demanding lengthy advance payments. However, a new legislation has been passed in 2024 which if implemented will remedy the situation. Estate agents and middlemen further exacerbate the problem by inflating costs.

7.2.7 Administrative and Legal Framework

Outdated laws fail to address current realities, leading to complications in land management. Miscarriages of justice in land cases arise due to inefficiency and corruption. There is a lack of public sensitization and education about land rules and regulations which creates knowledge gaps and misuse. Reliance on paper-based land documentation reduces durability and security. The issue of delays and inefficiencies in processing land documents exacerbate challenges in property acquisition and ownership.

7.3 Key Policy Statements

7.3.1 Institutional Strengthening and Capacity Building

1. The policy recommends that all land in The Gambia must be registered with either a lease, freehold certificate or a certificate of customary ownership through simplified documentation processes.
2. It calls for a comprehensive cadastral mapping of the country, decentralized land registration, and the establishment of a National Land Information System or data bank, as well as a centralized one-stop centre for land registration and documentation.
3. A thorough review of all legislation and policies related to land matters is advised, alongside capacity building for stakeholders in land administration and management. This includes equipping all regions with trained personnel and appropriate tools, strengthening local authorities such as governors, chiefs, and alkalolu, and promoting awareness, education, and communication at all levels.
4. The policy emphasizes clearly defining stakeholder roles in land issues, ensuring access to land for women, Differently Abled Persons, and youth. , and develop a national master plan with clear zoning.
5. It mandates immediate compensation for acquired land, reserves and protects wetlands, forests, parks, industrial parks, and social amenities, and introduces land taxation and penalties for non-use.
6. Further, it advocates regulating estate dealers and land agents, ensuring that individuals are allocated only one plot by the State, restricting large-scale land sales to foreigners, and establishing a robust institutional framework for policy implementation.
7. To avoid miscarriage of justice in land cases outdated laws that fail to address current realities should be amended.
8. There should be public sensitization and education about land policies,
9. The reliance on paper-based documentation that lacks durability, leading to delays and inefficiencies in processing land documents compound these challenges.

10. Encourage public-private partnerships in land administration and management.
11. Addressing these issues requires strengthening and digitizing land registration systems, creating a national master plan for land use, decentralizing land-related services, and increasing representation for women, youth, and Differently Abled Persons in governance.
12. Additionally, enforcing stricter laws to protect reserved lands, preventing deforestation, developing affordable housing initiatives, regulating real estate practices, and building institutional capacity for land administration and conflict resolution are critical steps toward reform.
13. Encourage the use of technology in land administration and management

7.3.2 Affordable Housing and Shelter

Efforts should be made to ensure that women, youth, and Differently Abled Persons have access to land through the government and institutions like Social Security and Housing Finance Corporation (SSHFC). Housing units should be constructed in Greater Banjul Area and growth centres to address housing needs, while rent control measures must be introduced to promote affordability. The practice of requiring six months' rent payment in advance should be abolished, and housing loan schemes should be established to provide citizens with accessible financing options for home ownership.

7.3.3 Infrastructure and Development

It is crucial to ensure roads are properly designed and demarcated, including the designing of proper street layouts for emergency vehicle access. Fire and ambulance services should be consulted during land use planning to address delay during emergencies. High costs of building permits and lease processes to assist the underprivileged to be addressed. However, it is pervasive to include integrated infrastructure planning.

7.4 Informal Settlements

The condition that enables people to 'squat' on informal settlements is the absence of security of land tenure and land use planning. Squatters are found on public, community and private land. Squatters and informal settlements therefore present a challenge for physical planning and land development.

Policy Statement

Government will adopt measures to address informal or squatter settlements and make provision for resettlement where required in accordance with physical planning and control regulations.

Strategic Actions

To deal with the difficulties experienced and caused by squatters and informal settlements, the Government will:

- i. Take an inventory of squatters and people who live in informal settlements.
- ii. Determine whether land occupied by squatters is suitable for human settlement.
- iii. Where informal tenure to land exists, the Government should acknowledge it in a manner that respects existing formal rights under national law and in ways that recognize the reality of the situation and promote social, economic and environmental well-being.
- iv. Promote policies and laws to provide recognition to such informal tenure. The process of establishing these policies and laws should be participatory, gender sensitive and

- strive to make provision for technical and legal support to affected communities and individuals.
- v. The Government should take all appropriate measures to limit the informal tenure that results from overly complex legal and administrative requirements for land use change and development on land.
 - vi. Development requirements and processes should be clear, simple and affordable to reduce the burden of compliance.
 - vii. Facilitate planning of land found to be suitable for human settlement.
 - viii. Ensure that land subject to informal settlement is developed in an orderly and sustainable manner.
 - ix. Formalize and facilitate the registration of squatter settlements found on public or community land for purposes of upgrading, or resettlement.
 - x. Develop in consultation with affected communities, a slum upgrading and resettlement programme under specified flexible tenure systems.
 - xi. Put in place measures to prevent further slum development on private land and open spaces.
 - xii. Facilitate the carrying out of informal commercial activities in a planned manner; prohibit sale and/or transfer of land allocated to squatters and informal settlers.
 - xiii. Where necessary, put in place appropriate mechanisms for the removal of squatters from unsuitable land and their resettlement.
 - xiv. Put in place an appropriate guideline for eviction that conforms to the procedure in executing judgement based on the order of the courts.
 - xv. Where it is not possible to provide legal recognition to informal tenure, the Government should prevent forceful evictions that violate existing obligations under national and international law, and consistent with relevant provisions made about expropriation and compensation in this policy.

7.5 Disaster Management

The country occasionally experiences disasters that should be managed to avoid the loss of both human and animal life, the negative impacts on agriculture, the natural environment and the destruction of property. Such disasters include floods, dry spelled, and fire outbreak. The policy and institutional frameworks for the prevention and management of land-related disasters need to be strengthened. There is also a dearth of appropriate technologies and financial resources to deal with these disasters.

Policy Statement

The government will adopt measures to address land related disasters.

Strategic Actions

The Government will:

- i. Rationalise the legal policy and institutional frameworks for the prevention and management of land-related disasters.
- ii. Strengthen the legal and administrative frameworks for resettlement in the event of natural disasters.
- iii. Regulatory frameworks for tenure, including spatial planning, should be designed to avoid or minimize the potential impacts of natural disasters.
- iv. Ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

- v. All parties should act, taking into consideration relevant international principles, including as appropriate, the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (“Pinheiro Principles”), and the Humanitarian Charter and Minimum Standards in disaster response.
- vi. Address legitimate tenure rights in disaster prevention and preparedness programmes. Systems for recording legitimate tenure rights should be resilient to natural disasters, including off-site storage of records, to allow right holders to prove their rights and relocate their parcels and other spatial units.
- vii. Legitimate tenure rights of displaced persons should also be recognized, respected and protected. Information on tenure rights and unauthorized use should be disseminated to all affected persons.
- viii. During the reconstruction phase, persons who are temporarily displaced should be assisted voluntarily, safely and with dignity returning to their place of origin.
- ix. Means to resolve disputes over tenure rights should be provided. Where boundaries of parcels and other spatial units are to be re-established, this should be done consistently with the principles of consultation and participation.
- x. Where people are unable to return to their place of origin, they should be permanently resettled elsewhere. Such resettlement should be negotiated with host communities to ensure that the people who are displaced are provided with secure access to alternative livelihoods in ways that do not jeopardize the rights and livelihoods of others.

7.6 Gambia Border Management and Control

Policy Statement

Government will protect and secure The Gambia’s international boundaries in accordance with international conventions as enshrined in the international law of the sea, Anglo-francophone protocols and joint border commissions.

Strategic Actions

The government of The Gambia will:

- i. Ensure that The Gambia international boundaries are protected, secured and managed by the joint border commissions of The Gambia and Senegal.
- ii. Creation of a marked buffer in between the two countries.
- iii. Ensure that cross-border activities such as farming, mining, trans-humance and human settlements are properly managed to prevent any negative effect on the local economy.
- iv. Ensure that the smuggling and cattle rustling across The Gambia’s international borders are not only prohibited but also always monitored and controlled.
- v. Strengthen field staff capacity through adequate budgetary provision for training, logistical support, competitive wages and incentives.
- vi. Ensure the recruitment and training of security personnel to protect and secure The Gambia’s international boundaries.
- vii. Encourage existing security agencies to cooperate with the Government in always protecting and securing The Gambia as a state and her international boundaries.
- viii. Cooperate in the framework of appropriate mechanisms and with the participation of affected parties, in addressing trans boundary tenure issues affecting communities, such as with rangelands or seasonal migration routes of pastoralists, and fishing grounds which lie across international boundaries.
- ix. Where appropriate, harmonize legal standards of tenure governance, in accordance with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. Where

appropriate, this should be coordinated with relevant regional bodies and with affected parties.

- x. With the participation of the affected parties as appropriate, The Gambia should develop, coordinate and strengthen existing international measures to administer tenure rights that cross international boundaries.

DRAFT NLP DOCUMENT

CHAPTER 8: LAND POLICY IMPLEMENTATION FRAMEWORK

8.1 Introduction

The Ministry shall, in consultation with other sectorial agencies and development partners, set out a framework for the implementation of this National Land Policy. The envisaged framework shall provide for the establishment of an interim administrative mechanism to operationalize this Policy pending the establishment of the National Land Policy Unit/Secretariat. In addition, the framework shall provide for capacity building and mechanisms for financing the implementation of this Policy.

This National Land Policy is a framework for development and use of land resources in The Gambia. It must be implemented if Gambia's land resources are to be used productively and optimally. Implementation involves the conversion of policy principles, statements and strategies into a comprehensive program of land reform. The policy must be internalized, popularized, translated and widely disseminated if it's to achieve its objectives. A corresponding implementation plan will complement the policy document.

8.2 Establishment of a National Land Policy Implementation, Coordination and Monitoring Unit

The Ministry of Lands shall establish a National Land Policy Coordination and Monitoring Unit to support the implementation of this National Land Policy, led by a senior MoLRG&RA officer to coordinate the implementation of this Policy.

The Ministry will constitute a multisectoral policy implementation and coordination steering committee comprised of Permanent Secretaries of all land-related sectors. The committee will also have two representatives from the development partners (UN coordinator, EU representative, and World Bank). The non-state actors will also be represented. The permanent secretary of Lands will be the chair, while the head of the coordination unit will serve as secretary.

The main function of this committee is to provide overall guidance, oversight, and advice in the coordination, implementation, and monitoring. The steering committee will review and approve all work plans and budgets of the co-ordination unit.

There will also be a technical coordinating committee within the Ministry who will provide direct implementation support to the coordination and monitoring unit.

The work of this committee will be coordinated by the head of the coordination unit who will report directly to the steering committee through the Permanent secretary of lands on all policy implementation issues.

In order to instill good governance in land administration and management, it is necessary to put in place integrated enforcement measures and protect the Policy from political and, or other interference. This policy shall form the basis for, and be recognised as the overall guide to all other land related policies.

The specific tasks of the Unit shall be:

- i. Facilitating the review and consultation over specific land policy proposals and legislation necessary to implement this National Land Policy;
- ii. Facilitating the establishment of proposed land institutions;
- iii. Facilitating the recruitment and training of required personnel;
- iv. Facilitating the mobilisation of financial and other resources;
- v. Facilitating the organisation of civic education;
- vi. Facilitating the monitoring of the policy implementation and produce periodic reports
- vii. Facilitating the mid term and terminal evaluations of the policy
- viii. Ensuring a smooth transition to this National Land Policy, and
- ix. Facilitating the preparation of a National Land Policy Implementation Framework plan (NLPIF plan).

8.3 Capacity Building for National Land Policy Implementation

The National Land Policy Unit (NLPU) shall commission a study to identify the appropriate skills required to implement the NLP.

Training shall be undertaken to build capacity of ministerial staff and staff of the NLPU, at overseas, national and local level institutions that will be involved in policy coordination, land administration and management, and arbitration functions.

8.4 Costing and Financing the Implementation of the National Land Policy

Experiences show that land policy formulation and its implementation often fail because of inadequate budgetary allocations to pay for the cost of land policy implementation, capacity building, and for monitoring and evaluating the process. The MoLRGRA shall carefully define the financial and technical resources required to undertake comprehensive policy implementation. Donor support for policy development shall be complemented by national financing and inputs in kind, to ensure national ownership and sustainability of the land reform process proposed in the policy.

An important step in the implementation of the National Land Policy is costed to ensure its financial, institutional, personnel, and infrastructure requirements are in place. This will determine the pace and sequencing of policy implementation. Such costing must be seen not merely as expenditure, but more importantly as investment in a program expected to re-vitalize the land sector for immeasurable economic and social benefits.

Policy Statement

Government will cost and finance a comprehensive program of land reform as recommended in this Policy.

Strategic Actions

To cost and finance the land reform process in The Gambia, Government will:

- i. Phase the implementation of this policy based on sequenced priorities (immediate, medium and long-term) and develop cost estimates for all phased activities or programs anticipated by the policy;
- ii. Make an inventory of existing resource capacity in the land sector to determine usability and level of short-fall in the implementation of the policy;

- iii. Assess the capacity of existing systems and structures in place, to kick-start land policy implementation as new structures are being set up;
- iv. Assess the relevancy, appropriateness, efficiency and cost-effectiveness of the proposed institutional structures; including audit of existing and proposed new structures to eliminate wastage due to duplication, overlaps and unproductive competition among various decision-making centers;
- v. Identify institutional and governance structures needed to implement the Policy; and
- vi. Ensure that the cost of implementation of the policy is fully-budgeted and funded as part of the national development framework.

8.4.1 Resources Required to Implement the National Land Policy

The financial resources that will be required to implement the project over the first five years, requires a budgetary framework, which adequately covers a range of project components. The NLPU coordinator, supported by consultants and donors, shall be responsible for preparing the budget.

8.4.2 Coordination of International Support

The MoLRG&RA shall work closely with the country's development partners to coordinate better their support to the national land policy priorities, including those concerned with promoting responsible investment in land for agriculture, mining, tourism and urban development, as well as those aimed at enhancing pro-poor land policy issues. These coordination efforts shall also be engaged by the MoLRG&RA, to define how best to involve NGOs, particularly regarding alternative approaches to mediating land disputes, protecting the land rights of the poor and monitoring the processes of land registration, and in order to strengthen civil society initiatives in land matters. Donor/Partner's roundtable conferences will be held to mobilize support and funding.

8.5 Implementation Plan for the National Land Policy

A critical challenge in land policy implementation involves the programming of its various components. This entails the design of appropriate legislation, the establishment of institutional requirements and the preparation of a program of activities based on the strategies. These have to be sequenced and prioritized for implementation as well as putting in place indicators for measuring progress. Programming should be preceded by consulting key stakeholders within Government, Parliament, local authorities, and communities. There is also a need to have co-operation with agencies in sectors involved in land use and natural resources management, as well as non-state actors.

Policy Statement

Government will undertake the preparation of an Action Plan for implementation of the National Land Policy.

Strategic Actions

To ensure implementation of the National Land Policy, Government will:

- i. Put in place a multi-sectoral and multi-disciplinary committee to lead the implementation process;

- ii. Establish a Land Policy Implementation Unit to spearhead and coordinate the implementation of the national land policy;
- iii. Propose a time-table for development of new legislation, review of existing legislation and institutional arrangements in line with the national land policy;
- iv. Design and strengthen structures for co-ordination of implementation between land related sectors and other sectors;
- v. Accord priority to the implementation of programme components that are key to the revitalization of the land sector; and
- vi. Define the roles of the Ministry responsible for lands and other actors, such as development partners, the private sector, and civil society among others.

Specific tasks of the National Land Policy Implementation Unit will include, among others:

- i. Facilitating the drafting of all legislation necessary to implement the national land policy;
- ii. Identify potential partners for effective and efficient funding of the land policy implementation process;
- iii. Capacity building of key personnel in the implementation of this policy;
- iv. Organizing of civic education and public awareness creation for stakeholder participation; and
- v. Undertake tracking progress on implementation of the policy.
- vi. Conduct research on land related issues and strengthen advocacy.

8.6 Public Education and Dissemination of the National Land Policy

The process of developing the National Land Policy has involved a broad spectrum of land sector stakeholders. There is need to undertake a broad program of education and awareness on the policy in order to be fully-understood by all stakeholders.

Policy Statement

Government will disseminate the National Land Policy to all stakeholders.

Strategic Actions

To create awareness of the National Land Policy, Government will:

- i. Translate the policy into major local languages;
- ii. Prepare materials for civic and public education;
- iii. Train and build capacity of local and community leaders' understanding of the policy;
- iv. Disseminate the policy to all stakeholders; and
- v. Ensure continued public debate on land issues, self-assessment and feed-back on the land policy framework.
- vi. Develop a NLP communication strategy for smooth implementation
- vii. Use of formal and informal communication channels

8.7 Stakeholder Participation

Successful implementation of the national land policy will depend on continuing buy-in, support and confidence of stakeholders. Stakeholders should participate and be constructively engaged at all levels of policy implementation. These include different government departments, development partners, private sector, civil society organizations, professional bodies, cultural

institutions, faith-based organizations, and other non-state actors. In addition special groups such as women, DAPs, and youth shall be considered.

Policy Statement

Government will involve stakeholders, as partners in the implementation of the National Land Policy for continuous legitimacy.

Strategic Actions

In order to ensure that stakeholders are fully involved in land policy implementation, Government will put in place measures to ensure:

- i. Participation in the preparation and application of the monitoring and evaluation framework;
- ii. Additional contribution of resources from development partners, the private sector, cultural institutions and civil society;
- iii. A formalized approach towards co-operation and co-ordination with non-state actors, by signing joint statements of intent, partnership principles, code of conduct, and Memorandum of Understanding;
- iv. Alliances and partnerships are built amongst stakeholder groups.
- v. Ensuring stakeholder participation in the implementation of the policy.

8.8 Monitoring, Evaluation and Review

Successful land policy implementation will enable a faster rate of social and economic transformation. It is important, therefore, that visible mechanisms are put in place to monitor progress and evaluate the effectiveness of the policy statements and strategies in attaining the vision, goal and objectives of the policy. Where necessary, this may lead in some instances to the selective revision of elements of the land policy. This will be based on appropriate and integrated national indicators, established for the economy in general and the land sector in particular.

A dedicated monitoring unit should be established to ensure continuous monitoring and evaluation of processes to enhance the effectiveness of land policy implementation. Immediate compensation must be provided for land acquired by the government to uphold fairness and trust. Additionally, accountability and transparency mechanisms in land allocation should be strengthened to promote equitable and efficient land management practices.

Policy Statement

The Government will institutionalize a monitoring, evaluation and review framework for the implementation of the National Land Policy.

Strategic Actions

To institutionalize a monitoring and evaluation system, Government will:

- i. Develop and apply responsive indicators for a monitoring and evaluation system;
- ii. Develop appropriate tools for policy refinement and review;
- iii. Integrate land policy values and principles into the political discourse of The Gambia;
- iv. Link the Result-Based Monitoring and Evaluation System to other national level monitoring processes of the National Development Plan; and
- v. Define roles and responsibilities of key stakeholders and players in monitoring and evaluation.

In order to maintain consistency of the National Land Policy with emerging land issues in the country, Government will:

- i. Undertake periodic reviews of the land sector performance and the policy by identifying persistent and/or new issues requiring further policy interventions annually
- ii. Conduct a midterm evaluation at the end of the fifth year;
- iii. Conduct a terminal evaluation at the end of the tenth year; and
- iv. Create awareness on the findings of the reviews and the next steps.

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