



*REPUBLIC OF THE GAMBIA*

# National Land Policy

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**2026-2035**

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

**Cabinet Approved NLP**

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## 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 and secure land tenure systems in the Gambia is a fundamental prerequisite for ensuring the

nation's sustainable development and peace.

The Policy aligns with one of the key priority issues enshrined in the Government's current **Recovery-Focused National Development Plan (2023–2027)**, which aims to ensure the effective and efficient management of the land sector. It will serve as the primary framework for cooperation and collaboration in resource mobilisation with both domestic and international partners.

This **National Land Policy**, which addresses critical land tenure issues and the broader reform process, is a significant achievement for the Government and people of The Gambia. It seeks to improve and strengthen existing land administration systems and laws—particularly by recognising and working with the country's diverse land tenure categories. The policy also aims to foster a pro-development land use culture among citizens and enhance the capacities of relevant institutions to mobilise sufficient national and international resources for its successful implementation.

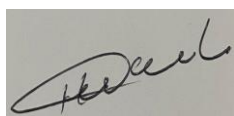
Despite the numerous challenges facing the land sector in The Gambia—and the highly sensitive nature of land-related issues—considerable progress has been made in addressing the multitude of problems currently affecting the sector. These include matters related to access to land and tenure rights, land use planning and regulation, the management of special land issues, as well as land administration structures, laws, and legal frameworks.

The policy formulation process was characterised by active and inclusive stakeholder participation, ensuring no one was left behind. Key stakeholders included academics, professionals, youth, women, persons living with disabilities, development partners, National Assembly members, civil society organisations, Ministries, Departments and Agencies (MDAs), and other entities. The consultation process was not only intensive, extensive, and exhaustive, but also inclusive—aimed at ensuring diverse voices and perspectives were captured, thereby promoting national ownership.

This historic and comprehensive **National Land Policy** provides a robust framework defining the roles and responsibilities of various governmental, traditional, and non-state actors in land management in The Gambia. It identifies specific transformative policy actions and capacity

challenges that must be addressed. The policy outlines clear statements concerning the key components of land governance, including access to land and tenure rights, land use planning and regulation, management of special land issues, land administration structures, land laws, and alignment with the Constitution.

The formulation of the **National Land Policy of the Republic of The Gambia** was carried out under the guidance of four Technical Working Groups (TWGs), a National Steering Committee (NSC), a Technical Committee, and both national and international lead consultants. Our sincere appreciation goes to the **World Bank**, through the **WACA RESIP 2 Project**, for providing full financial support throughout the formulation process. The contributions of all domestic and external development partners are also duly recognised. Special thanks are extended to **His Excellency, the President of the Republic of The Gambia**, for his foresight and leadership throughout the process.



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



## Acknowledgements

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

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In particular, the steadfast support of the Minister of Lands, Hon. Hamat N.K. Bah, along with Permanent Secretary, Mr Ebrima Sisawo, DPSs, Mr Mamudou Manjang and Mr Alagie Taal, as well as former Permanent Secretary Mrs Saffie Sankareh Farage, are highly commendable.

Equally deserving of recognition are the members of the TWG, NSC, and Technical Committee (TC); officials of the Ministry of Lands, Regional Government and Religious Affairs, notably Dr Samba Sowe and the staff of the Planning Unit; traditional authorities; Local Councils; and other MDAs. The enthusiastic and timely responses of all those contacted during the consultations and policy review processes are gratefully acknowledged and deeply appreciated.



***Ndey Marie Njie***

***Permanent Secretary***

***Ministry of Lands, Regional Government, and Religious Affairs***

***September 2025***

## Executive Summary

**The National Land Policy (NLP) 2026–2035** offers a comprehensive and forward-looking framework to address The Gambia’s longstanding and emerging land governance challenges. It represents the country’s first-ever unified land policy, developed through an inclusive, participatory, and consultative process involving diverse stakeholders across all regions and sectors.

Rooted in national development priorities—particularly the Recovery-Focused National Development Plan (2023–2027)—as well as international commitments such as the Sustainable Development Goals (SDGs), the African Union Framework and Guidelines on Land Policy in Africa, and the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), the NLP aims to ensure equitable access, secure tenure, and sustainable land management for all Gambians.

The policy is structured into seven interrelated chapters:

### **Chapter 1: Background**

This chapter presents the historical evolution of land governance in The Gambia, tracing colonial legacies and post-independence developments. It outlines critical land-related issues such as tenure insecurity, institutional weaknesses, overlapping legal systems, and increasing land disputes. It also elaborates on the rigorous, multi-tiered consultative process that shaped the policy’s formulation, ensuring broad national ownership.

### **Chapter 2: Policy Framework**

This chapter articulates the vision, mission, and goals of the NLP. It sets forth guiding principles such as inclusivity, transparency, climate resilience, and respect for human rights. Key land governance challenges identified include legal ambiguities, lack of cadastral data, inequitable land access, environmental degradation, and systemic inefficiencies in land administration.

### **Chapter 3: Land Tenure Framework**

This chapter details The Gambia’s tripartite land tenure systems—Customary, Freehold, and Leasehold. It proposes the formal recognition of customary tenure through the introduction of Certificates of Customary Ownership (CCOs), along with legal and institutional reforms to guarantee equitable land access, particularly for vulnerable groups such as women, youth, and persons with disabilities (PWDs). It also recommends a participatory and transparent process for converting customary land to state land, including the provision of fair compensation, and advocates for the registration and digitalisation of all land in the country.

### **Chapter 4: Land Use Planning and Land Management Framework**

This chapter assesses land use dynamics and challenges, including unregulated development, inadequate zoning, and climate vulnerabilities. It calls for the development of a national land use plan, integrated spatial development, participatory planning, and digital land use monitoring. Special attention is given to environmental sustainability, informal settlements, and the allocation of land for social services and vulnerable populations.

## **Chapter 5: Land Legal Framework**

This chapter examines the inadequacy and fragmentation of current land laws. It proposes harmonising statutory and customary laws, reforming key legislation (e.g., the State Lands Act and the Land Acquisition Act), and establishing robust frameworks for land valuation, compensation, titling, and dispute resolution. Legal reforms aim to eliminate overlapping mandates, reduce litigation, and increase public confidence in land governance.

## **Chapter 6: Land Administration Institutional Framework**

This chapter addresses institutional capacity gaps, overlapping mandates, and the absence of a centralised Land Information System (LIS). It calls for the development of a modernised, digitalised National Land Administration System (NLAS), capacity building for local authorities, and strengthened coordination among key land agencies. Emphasis is placed on improving land valuation, reducing corruption, and promoting gender-responsive and climate-resilient land administration.

## **Chapter 7: Implementation Framework**

This final chapter outlines a ten-year roadmap for implementing the policy. It proposes the establishment of a National Land Policy Implementation Unit (NLPIU) and includes a costed implementation plan with short-, medium-, and long-term actions. The framework prioritises stakeholder engagement, capacity building, resource mobilisation, public education, and a robust Monitoring and Evaluation (M&E) system that includes annual reviews, mid-term evaluations, and end-of-term impact assessments.

In sum, the **National Land Policy 2026–2035** is a transformative instrument for achieving land justice, unlocking economic opportunities, and enhancing environmental stewardship. If effectively implemented, the policy will strengthen land tenure security, support responsible investment, protect vulnerable groups, and align land governance with national priorities and international standards—contributing to peace, prosperity, and sustainable development in The Gambia.

## List of Acronyms/Abbreviations

ADR	Alternative Disputes Resolution
AFDB	African Development Bank
AfCFTA	African Continental Free Trade Area
ANR	Agricultural and Natural Resources
AU	African Union
BWA	Biodiversity and Wildlife Act
CCO	Certificate of Customary Ownership
CFS-RAI	Principles for Responsible Investment in Agriculture and Food Systems
CSOs	Civil Society Organisations
DLS	Department of Lands and Surveys
DPPH	Department of Physical Planning and Housing
ECA	Economic Commission for Africa
ECOWAS	Economic Community of West African States
EIA	Environmental Impact Assessment
ESHIA	Environment, Social and Health Impact Assessment
FAO	Food and Agriculture Organization
FPIC	Free, Prior and Informed Consent
GBA	Greater Banjul Area
GBoS	Gambia Bureau of Statistics
GDP	Gross Domestic Product
GIEPA	Gambia Investment and Export Promotion Agency
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
LC	Land Commission
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
NAWEC	National Water and Electricity Company
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
PWDs'	Persons with Disabilities
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 of Tenure
WACA	West Africa Coastal Areas Management Programme
WALIC	West Africa Livestock Innovation Centre
WB	World Bank

## Glossary of Terms

1. **Access to Land and Tenure Rights:** Refers to the opportunity, recognised by statutory and/or customary law, to acquire land, as well as the processes that must be followed by those seeking land and those authorised to allocate it in The Gambia.
2. **Alkalo:** A title given to a village head.
3. **Alkalolu:** The plural form of *Alkalo*.
4. **Allodial Interest:** The highest proprietary interest recognised in customary land tenure systems. It is sometimes referred to as the *paramount title*, *absolute title*, or *radical title*.
5. **Cadastral Map:** A map showing how a locality is divided into units of land ownership.
6. **Cadastre:** A public register detailing the quantity, value, and ownership of land in a country, compiled for the purpose of public policy and planning.
7. **Coastal Hazards:** Threatening events occurring in or near coastal areas that pose risks to human life and the environment.
8. **Community Land:** Land owned by a community in the provinces, administered under customary law and the Land Regions Act.
9. **Compensation at Replacement Value:** Compensation based on the cost of replacing damaged or acquired property with an item of equivalent kind and quality.
10. **Customary Law:** Unwritten rules of law applicable to particular communities, established through long-standing usage and tradition.
11. **Eminent Domain:** The legal power of the government to acquire private property for public use, with compensation.
12. **Falsification of Documents in Land Transactions:** The act of creating or using false documents in a land transaction with the intent to deceive another party.
13. **Family Land:** Land owned by a family and administered by the family head under customary law. It includes farmland and land for constructing dwelling houses.
14. **Freehold Land:** Land acquired by individuals or corporate entities through payment of a *fee simple* in land purchase transactions. This is restricted to land in Banjul, Bakau, Cape Point, and Janjanbureh.
15. **Government Land:** Land privately owned by the government for dedicated purposes such as nature conservation, public buildings, schools, hospitals, public infrastructure, or allocation for private use by individuals or organisations.
16. **Human Settlement:** Organised habitation of people in urban, semi-urban, and rural areas, including homes, infrastructure, and essential services that support daily life.
17. **Land Adjudication System:** Refers to the court system involved in settling land disputes and land-related matters.
18. **Land Administration System:** Mechanisms established for developing and implementing strategies and policies related to land matters.
19. **Land Grabbing:** The unlawful acquisition or claiming of land ownership without adhering to statutory or customary legal procedures in The Gambia.
20. **Land Policy:** Guidelines, rules, and regulations concerning the administration, management, control, planning, and execution of land-related matters in The Gambia.
21. **Land Speculators / Hoarding:** Individuals, groups, or companies that acquire land primarily for resale at higher prices rather than for immediate development or productive use.
22. **Land Tenure System:** The structure and legal framework governing land ownership and holding in The Gambia.
23. **Land Use Planning and Regulation:** Activities involved in the regulation, control, and enforcement of land use for urban and rural development.
24. **Lands Commission:** A statutory body established by an Act of Parliament to oversee and manage land matters.

25. **Leasehold:** Land acquired through lease for a fixed period, as specified in the terms of the lease agreement.
26. **Multiple Sale:** A fraudulent situation in which a piece of land is sold to multiple parties by the same individual(s), with the intent to deceive.
27. **National Land:** Refers to the total land area constituting the Republic of The Gambia, including its surface land, sea, and airspace, as defined by the 1997 Constitution.
28. **Planning Area:** A geographical area declared by the Minister responsible for physical planning to be subject to planning control under the relevant Act.
29. **Private Land:** Land owned by private individuals or corporate entities, which may be freely transferred or disposed of by the owner.
30. **Protection and Security of The Gambia's International Boundaries:** Efforts by the government and relevant agencies to secure the nation's borders and regulate cross-border activities.
31. **Public Land:** Includes all freehold land not yet registered to third parties (e.g. in Banjul and Kanifing Municipality), state-designated land (e.g. in Kombo North, South, and Central), forest reserves, wildlife parks, land held by public institutions (e.g. SSHFC, GT Board, GPA, Geology Department), and unregistered customary land held in trust by District Authorities for community benefit.
32. **Responsible Investment:** An organisation's approach to incorporating Environmental, Social, and Governance (ESG) factors into investment decisions, and taking action to align investments with sustainability goals and global thresholds.
33. **Seyfo:** A title given to a district chief.
34. **Seyfolu:** The plural form of *Seyfo*.
35. **State Land:** Land designated by the state and governed by the State Lands Act of 1991, which authorises the responsible Minister to grant interests in such land.
36. **Statutory Law:** Written laws enacted by Parliament and applicable throughout The Gambia.
37. **Tenure-Responsive Land Use Planning:** Land use planning that respects and secures land tenure for all citizens, without discrimination, in accordance with existing tenure systems.
38. **Traditional Authority:** A geo-political and socio-economic jurisdiction under indigenous customary leadership, often based on lineage descent, serving as the source of authority for the chief.
39. **Unoccupied Land:** Land not currently inhabited or claimed by any individual or entity.
40. **Usufruct:** A right to use and benefit from land granted by the landholding community, either to its members or outsiders, according to customary practices. Also known as *customary freehold, proprietary occupancy, or determinable title*.

# Chapter 1

## BACKGROUND TO THE NATIONAL LAND POLICY

### 1.1 Introduction

The Gambia, with a land area of 11,300 square kilometres, has a forest cover of 423,000 hectares—approximately 37.5% of the total national land area. Of this, 300,000 hectares are classified as forest, while the remaining 123,000 hectares fall under other wooded land (National Forest Assessment, 2009–2010). The area of arable, cultivable land expanded from 280,000 hectares in 2000 to 440,000 hectares in 2016, representing a growth rate of approximately 8 percent. However, only 57.3 percent of this land is currently cultivated. The percentage of land used for permanent crops has remained largely unchanged.

The country faces significant challenges, exacerbated by a population growth rate of 3.1 percent per annum, which is projected to result in a population doubling within 22.3 years (2013–2024 GBOS Census). Coupled with a population density of 176 persons per square kilometre, The Gambia is the fourth most densely populated country in mainland Africa. A majority of the population (57%) resides in urban and peri-urban areas. Despite this urbanisation trend, the country remains highly vulnerable to climate change, marked by rising temperatures and declining rainfall.

Key development challenges include high poverty levels (with 53.8% of the population living below the poverty line), high youth unemployment (43.6% according to the LFS 2022/2023), food insecurity (29% according to WFP 2023), unplanned urban expansion, and environmental degradation.

These issues are further compounded by the absence of a comprehensive national land policy, resulting in fragmented, uncoordinated, and often conflicting approaches to land governance and management. Land-related conflicts are widespread, fuelled by unrecorded competing claims, overlapping institutional mandates, complex land registration procedures involving multiple authorities, unequal land access, and weak land use planning.

To effectively address these challenges and strengthen 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 offers a coherent and inclusive approach to resolving land tenure issues, while bridging the gap between formal and customary systems of land rights.

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



## 1.2 The Land Question in The Gambia

The land question in The Gambia encompasses the complex challenges of land ownership, use, access, and governance. As a vital resource for agriculture, forestry, 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. This urgency is driven by several factors, including population growth, social inequality, urbanisation, climate change, and inefficiencies in governance.

Topographically, The Gambia is divided into five primary natural zones:

1. **Flat Coastal Regions** – These areas are characterised by barren Aeolian sands with low chemical nutrient content.
2. **Mangrove Swamps** – Located near the Gambia River estuary, these swamps have clay alluvial soils with a high salt content.
3. **Banta Faros (Beyond the Swamp)** – This riverside area is characterised by grasses and features excellent light alluvial soil, making it highly suitable for rice farming.
4. **Sand Hills** – These consist of low hills and shallow valleys populated by long grasses, baobab trees, locust bean trees, and kapok trees.
5. **Sandstone Plateaus** – These areas contain sandy soils ideal for groundnut cultivation.



*Topographic Map of the Gambia*

According to the literature review and the outcomes of the consultations, land in The Gambia is utilised by the government and its people for a wide range of purposes, including:

- a. Residential settlement
- b. Agriculture and fisheries
- c. Mining
- d. Commercial activities
- e. Industrial activities
- f. Institutional purposes
- g. Social amenities
- h. Transportation
- i. Recreation
- j. Nature conservation
- k. Heritage preservation

## **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. The country spans a narrow strip of land, almost entirely surrounded by Senegal, except for its western border, which meets the Atlantic. Covering an area of approximately 11,300 square kilometres, The Gambia's territory extends about 484 kilometres inland from the coast.

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

The borders of The Gambia were demarcated between 1891 and 1905 under the Anglo-French Convention of 1889, which aimed to define British and French spheres of influence in West Africa. This process was formalised during the Anglo-French Boundary Delimitation Conference held in Paris in 1889, which led to the creation of a Boundary Demarcation Commission. By 1891, the boundaries had been established, and The Gambia emerged as a distinct political 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 its 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, having had no prior indigenous settlements, experienced little land-related conflict. In contrast, Kombo Saint Mary and other parts of the colony—consisting of lands ceded by local rulers, such as the King of Kombo in 1840—were inhabited by indigenous communities practising traditional forms of land ownership. This dual system of governance—state-administered leaseholds alongside customary land tenure—frequently led to disputes, particularly when state-granted leases overlapped with traditional claims.

### **1.2.1.3 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 (Seyfolu), who administered land according to customary law for the benefit of local communities. The Seyfolu also presided over district authority matters and supervised the village heads (Alkalolu), who were responsible for overseeing local land issues.

The introduction of leaseholds in the Protectorate required approvals from the district authorities, the Provincial Commissioners, and the then Ministry of Local Government, Lands

and Mines. While this system facilitated the registration of customary land for formal use, it also created avenues for land alienation.

#### **1.2.1.4 Post-Independence Developments**

Following the Independence Act of 1964, The Gambia unified its colonial and protectorate systems under a single administration. Despite this unification, land governance retained several features rooted in the colonial era. Customary tenure, deemed leaseholds, and land-use planning continue to be sources of contention.

The 1997 Constitution mandated the establishment of a Land Commission, which was formalised through the Land Commission Act of 2007. This body now oversees land administration, promoting transparency and ensuring compliance with national land policies.

#### **1.2.1.5 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 the 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, which fuelled land speculation due to the rapidly rising property values in the Greater Banjul Area. In response to these developments, the government imposed periodic freezes on land transactions, particularly in coastal regions, and, in some instances, removed traditional leaders (alkalolu).

### **1.2.2 Contemporary Land Policy Issues**

The contemporary realities of land administration and management in The Gambia can be examined through the lens of the numerous challenges that currently exist. These include inequitable access to land, a shortage of accessible land, and insecure tenure forms and rights—largely due to the absence of an integrated system for title registration. Other key issues are the lack of proper cadastral mapping and land information, as well as unclear and conflicting tenure systems under customary law.

Additionally, overlapping jurisdictions between statutory and customary laws contribute to confusion and inefficiency. The country also faces weak land administration and management structures, inadequate concession practices, and insufficient protective mechanisms to prevent land grabbing, particularly in the commercial land use sector. Moreover, vulnerable groups such as women, persons with disabilities (PWDs), and youth often lack access to land.

Currently, The Gambia does not have a comprehensive land policy that addresses these issues in a sustainable manner. This highlights the critical need for the development and implementation of such a policy.

### **1.2.3 Land Tenure Issues**

One of the key issues identified in land tenure in The Gambia is the difficulty in ascertaining title to customary and unregistered land. This means that the process of verifying land ownership—particularly in relation to customary land—is often unclear and difficult to determine. To address this, the policy recommends the formal registration of all land, including customary land.

The Government should set a new deadline for customary landowners within state land areas to formally register their land, either through leasehold or customary tenure of ownership. Legislation should be enacted to legitimise Certificates of Customary Ownership, applying them uniformly to all customary land across the country. This will help to resolve the ongoing conflict between the government and customary landowners in state land areas. To ensure a smooth and effective registration process nationwide, it is essential to build and strengthen institutional capacity at all levels.

Another major challenge is the absence of cadastral maps and clearly defined inter-village boundaries. These tools are critical for the accurate surveying and documentation of land ownership, as they provide detailed diagrams, sketches, and plans that clearly demarcate village boundaries based on official land records. The lack of such documentation often results in overlapping or ambiguous boundaries between villages. This issue is further exacerbated by the absence of a comprehensive Land Administration and Information System in The Gambia.

Land is one of the most vital resources in the lives of Gambians, particularly for women and vulnerable groups. It represents a primary source of livelihood and material wealth, especially in rural areas. Although many Gambian women have access to land, they often do not own it. Most are effectively landless, operating as tenant farmers engaged in subsistence agriculture. As a result, they are more vulnerable than men and generally face unequal land rights.

Women, youth, and persons with disabilities (PWDs) are often excluded from land ownership and decision-making processes related to land use. Cultural barriers continue to prevent women and youth from gaining equitable access to land, and discrimination persists against Gambian women married to non-Gambians, particularly in matters of land inheritance. Furthermore, the inadequate provision of recreational land and facilities for youth hampers social development and community engagement.

#### **1.2.4 Land Use Planning and Land Management Issues**

*Land Use Planning and Management* refers to the strategic process of determining how land resources are allocated, utilised, and regulated to achieve balanced economic growth, social development, environmental sustainability, and cultural preservation. It involves making informed decisions about land zoning, development control, infrastructure placement, conservation, and disaster risk reduction, based on spatial data and public consultation.

In The Gambia, effective land use planning is essential for addressing challenges such as unplanned settlements, environmental degradation, overlapping land claims, and rapid urban expansion. Land management, as a complementary process, encompasses the institutional mechanisms and legal tools required for implementing, monitoring, and enforcing land use decisions. Together, land use planning and management provide the foundation for sustainable development, equitable access, and climate resilience in both urban and rural areas.

The absence of a National Land Policy in The Gambia has hindered institutions from executing their functions related to sustainable land use planning, environmental conservation, and equitable resource management. This gap has contributed to issues such as uncontrolled growth, urban sprawl, and land degradation. Moreover, it presents significant challenges in the process of involuntary land acquisition for public and private sector projects.

A comprehensive National Land Policy would integrate climate resilience, agroecological practices, and transparent governance in land allocation and use. Key components would

include zoning regulations, stakeholder engagement, and comprehensive spatial development plans at all levels. These elements are essential to guide land management, prevent land hoarding, and protect environmentally sensitive areas such as wetlands, rivers, forests, and cultural heritage sites.

To achieve these objectives, the government will develop a national land use plan, leverage technology for digital monitoring, and actively involve communities in participatory planning processes. Data generated through digitalisation will be made accessible to both public and private sector developers. Land use planning information will be digitised and widely shared among stakeholders to enhance transparency and coordination.

The policy also highlights the critical importance of managing water bodies sustainably, with clear guidelines to protect them from encroachment and pollution. Additional focus areas include fostering resilient human settlements, promoting efficient urban planning, and regulating land use through comprehensive physical development plans. These plans will ensure the strategic allocation of land for roads, spaces for youth and women, and essential public services.

Furthermore, the efficient and equitable allocation of land for designated purposes—such as residential, industrial, and public uses—is emphasised. This approach aims to guide land use effectively and align national policies with international frameworks to support equitable and sustainable development for current and future generations.

In conclusion, the establishment of green spaces within communities is prioritised to promote environmental sustainability. This component of the policy will leverage spatial planning as a strategic tool to address emerging challenges and ensure orderly, sustainable development moving forward.

### **1.2.5 Land Legal Issues**

This policy seeks to address The Gambia's legal framework concerning land policy and the numerous challenges within its tripartite land tenure formal system. These challenges include the legal framework on land tenure and land administration, land use, planning and management, registration of titles, valuation, and taxation. Other issues are inequitable access to land, a shortage of accessible land—especially in urban areas—, insecure tenure forms and rights due to the absence of a formal system for the registration of titles, unclear and conflicting tenure forms under customary law, overlapping jurisdiction between statutory and customary laws, weak land administration and management, changes in land use, a flawed land allocation system, excessive bureaucracy, land disputes, gender disparities, as well as challenges faced by persons with disabilities, youth, and women. Inadequate concession practices and insufficient protective mechanisms to prevent land grabbing are also significant concerns.

Improving the current land adjudication system, including the customary law framework and the entire judicial process, is critical to enforcing the land policy and land laws. Currently, nearly 60% of the adjudication cases before courts in both urban and regional areas involve land disputes. Many of these cases last over five years, often leading litigants to take the law into their own hands (e.g., evictions and prohibitions on land use). Reports from consultations indicate that corruption and fraud related to the land adjudication process are increasing at all levels. Access to justice for land-related issues remains limited for many, particularly the poor, while those with more resources frequently exert undue influence over the adjudication system.

A multiplicity of land disputes has emerged across the regions, heightening the need to improve governance over land matters. Common land conflicts involve issues such as ineffective land acquisition, contested land boundaries—affecting family lands, villages, districts, designated State lands, and transnational boundaries—the incidence of multiple land sales, conflicting ownership authorities over land administration (involving land-owning families, traditional authorities, and various state bodies), growing land use conversion, and the weaknesses 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, caused by difficulties in establishing absolute titles to land under the current deed registration system. The fundamental problem lies in the system of ownership, acquisition, management, and registration of deeds, alongside numerous loopholes within the accompanying legal framework. This policy aims to address all these issues comprehensively.

### **1.2.6 Land Administration Institutional Issues**

Land administration in The Gambia faces systemic challenges across its three tenure systems: customary, freehold, and state land rights. Over 60% of land is governed under customary tenure; however, poor record-keeping, reliance on traditional knowledge, and unregulated practices have created an environment of inefficiency and vulnerability. Alkaloes and Chiefs, the custodians of customary land, operate without proper records, leaving critical information undocumented or lost. Poorly written documentation encourages multiple sales, unregistered transactions, and disputes, further compounded by the slow and centralised process for owners seeking to convert customary land to state land.

State land administration, primarily in the Greater Banjul Area, is overburdened by customary landowners seeking formal registration. This results in lengthy leasing procedures, undermined by an overreliance on paper-based processes prone to abuse and inefficiency. Furthermore, challenges in land administration include issues related to land use, valuation, development, and information management. Unplanned and unregulated land use—mainly due to a lack of enforcement and suboptimal regulations—leads to conflicts over land use patterns. Land valuation and development face numerous difficulties due to weak institutional capacity; the Chief Valuer's Office has few qualified valuers, leading to delays in valuations and resolution of related challenges.

Given the significant gender gap in land-related issues and the country's high sensitivity to climate change, a stronger focus on gender equity and climate change adaptation is recognised as essential.

The institutions charged with land administration encounter significant challenges that 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, characterised by insufficient qualified personnel, inadequate resources, and weak enforcement of regulations. The absence of a modernised cadastral system or an integrated Land Administration Information System (LIS) hampers boundary demarcation, land registration, and dispute resolution, fuelling conflicts that dominate civil court cases. Furthermore, decentralised 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 land registration rates limit government revenue and encourage land speculation and underutilisation.



Addressing these systemic issues demands a comprehensive reform agenda emphasising institutional alignment, capacity building, technological modernisation, and streamlined processes to foster accountability, efficiency, and sustainable land management. The policy implementation schedule and detailed action plan, developed separately, aim to overcome capacity constraints and institutional inefficiencies in land administration, among other challenges.

### **1.3 Rationale for the National Land Policy**

The country has never had a comprehensive land policy that provides clear guidance for land administration, management, and planning. This absence of policy has led to persistent conflicts among various groups, regions, the State, and local communities, resulting in significant human and material losses.

In the absence of a coherent framework, there has been a surge in land-related court cases at all levels—village, district, regional, and national. Land has not been utilised efficiently or equitably for investment or economic development, limiting its potential to reduce poverty and inequality. Insecure land tenure, lack of cadastral data, and inefficient land registration processes have further fuelled disputes, exploitation, and underutilisation of land resources.

Given the country's limited land area, rapid population growth, accelerating urbanisation, and increasing demand for land for investment, there is an urgent need to improve governance of land resources. This requires institutional strengthening, spatial planning, environmental management, climate resilience, and alignment with regional and international development frameworks.

The proposed National Land Policy aims to address these challenges by enhancing institutional coordination, eliminating duplication and overlap, and clarifying the roles and responsibilities of the various actors involved in land administration and management.

Moreover, the policy promotes decentralised land governance, which will broaden and deepen democracy and enable greater local participation, particularly among vulnerable groups such as women, youth, persons with disabilities (PWDs), pastoralists, and other marginalised communities.

These considerations underscore the urgent need for the formulation of a National Land Policy.

### **1.4 Land Policy Formulation and Consultative Process**

The Gambia recognises that equitable access to land, coupled with efficient and sustainable land utilisation, 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 of 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 recognised 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 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 across various sectors, including agriculture, investment, and industrial development.
- Enhance disaster risk reduction and natural resource 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 at the global, regional, and national levels, 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 coordinators. These consultants played a pivotal role in guiding the formulation of a comprehensive and inclusive National Land Policy for The Gambia. They collaborated with all relevant structures and technical line departments to ensure that diverse perspectives and stakeholders' interests were adequately represented and addressed.

A roadmap was developed and budgeted for the efficient and effective operationalisation of the NLP formulation process.

A critical literature review was conducted, outlining valuable information that provided a situational analysis. This review highlighted the main issues relating to land governance and the challenges associated with land matters in the country.



The work of the thematic working groups complemented the literature review, providing a broader and more detailed perspective on the land situation in the country. Using the available information, several thematic working group meetings were held to prepare a land issues paper. The land issues paper followed this format:

- What is the current situation regarding land tenure, land administration, land use planning and management, legal land issues, and land rights and administration?
- What are the main critical issues identified? Which institutions are involved in land matters, and what are their roles and functions, including areas of overlap and complementarity?
- What challenges exist, and what recommendations should be considered moving forward?
- What new suggestions and innovations have been proposed by the respective thematic working groups?
- What are the capacity-related 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. These consultations took place at ward, district, regional, and national levels. In total, 40 consultation workshops were conducted—8 regional, 10 sectoral, 16 district, and 6 urban ward workshops—engaging public, private, and civil society organisations. In addition, workshops were held specifically with women’s groups, youth groups, and persons with disabilities (PWDs). During these consultations and focused group discussions, over 5,000 people participated, sharing their views on the type of land policy they desired.

The structures and processes employed during the consultations were carefully designed to ensure inclusivity and the participation of all stakeholders. They also addressed power dynamics among diverse participants and ensured that the interests of vulnerable groups were adequately represented. In most cases, special groupings were organised for particularly disadvantaged people, such as women only, persons living with disabilities, and youths. Besides the formal group discussions, the views and opinions of traditional people, particularly the elderly, were captured throughout the consultation process. The media was also used to facilitate open discussions via radio and television, which brought many new perspectives into the policy content.

The focused group discussions enabled different voices and recommendations to be incorporated into the policy. At the conclusion of the consultations, reports were produced containing the views, perceptions, and recommendations of all stakeholders, including women, youth, persons living with disabilities, and other vulnerable groups. The land issue paper and consultation reports were then used to develop the zero draft of the National Land Policy. The zero draft, along with subsequent updated drafts, underwent wider internal and external circulation; further comments were received and considered in the latest updated version. It is strongly believed that sustaining the consultative process will further enhance the policy’s potential to effectively address The Gambia’s land governance challenges.

### **1.4.3 Retreat for Drafting Team**

A five-day retreat for the drafting team was organised to produce the updated zero draft of the NLP, which was used for review and subsequent validation processes. The updated zero draft

produced after the NLP retreat was also used to develop the policy implementation plan, once the policy priorities had been defined.

#### **1.4.4 Validation of the NLP**

Validation workshops were organised in all regions as well as at the national level. The concerns of the diverse constituencies regarding land matters were carefully recorded before finalising the draft policy. These workshops were structured to ensure the participation of all relevant stakeholders. Adequate and proper representation was duly 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 then circulated to all relevant sectors and stakeholders for their review and final feedback. The responses and feedback from the sectors were subsequently considered in the final draft of the NLP cabinet copy.

#### **1.4.6 Implementation Schedule**

The National Land Policy will be implemented over a period of ten years (2026–2035) and will be guided by a detailed implementation plan with estimated costs. This plan will outline short-, medium-, and long-term actions: short-term covering 1 to 3 years, medium-term 4 to 6 years, and long-term 7 to 10 years.

A midterm and a terminal evaluation will be conducted; however, annual reviews will also take place, with reports produced accordingly.

### **1.5 The Structure of the Policy**

**The National Land Policy (NLP) 2026–2035** is structured into seven interlinked and thematically organised chapters. Each chapter addresses critical dimensions of land governance in The Gambia and contributes to a coherent, actionable framework for inclusive, sustainable, and equitable land administration and management:

#### **Chapter 1: Background to the National Land Policy**

This chapter provides the historical and contextual foundation of land governance in The Gambia. It explores colonial and post-independence land developments, contemporary land challenges (e.g., insecurity of tenure, unplanned urban growth, institutional fragmentation), and outlines the rationale for developing a national land policy. It also describes the consultative, participatory, and inclusive approach used in the policy's formulation, ensuring broad stakeholder ownership.

## **Chapter 2: National Land Policy Framework**

This chapter articulates the vision, mission, and goals of the policy. It outlines the guiding principles, key policy objectives, and strategic priorities, emphasising equity, transparency, climate resilience, legal clarity, gender equity, and sustainable development. The chapter identifies cross-cutting issues the policy aims to resolve and aligns its goals with national development strategies and global instruments such as the SDGs, VGGT, and AU Agenda 2063.

## **Chapter 3: Land Tenure Framework**

This chapter examines the existing tenure systems—Customary, Freehold, and Leasehold—and proposes reforms to secure land rights for all Gambians. It advocates for the formal recognition of Customary Tenure through Certificates of Customary Ownership (CCOs), equitable access to land for women, youth, and persons with disabilities (PWDs), and a transparent process for converting customary land to state land. It also addresses informal settlements and outlines strategies for strengthening legal protection and registration.

## **Chapter 4: Land Use Planning and Land Management Framework**

This chapter addresses the strategic use and regulation of land resources. It proposes a National Land Use Plan, modern spatial planning systems, zoning regulations, and digital monitoring mechanisms. It also focuses on climate-smart land management, environmental conservation, green infrastructure, and the integration of land use planning with disaster risk reduction and urban resilience strategies.

## **Chapter 5: Land Legal Framework**

This chapter evaluates existing land-related laws and identifies areas requiring reform. It aims to harmonise statutory and customary legal regimes, simplify land registration processes, and modernise land valuation, compensation, and dispute resolution mechanisms. Specific reforms target outdated laws such as the State Lands Act and Land Acquisition Act, seeking to streamline adjudication, increase legal certainty, and reduce corruption and inefficiency.

## **Chapter 6: Land Administration Institutional Framework**

This chapter addresses systemic challenges in institutional coordination, capacity, and land information management. It proposes the establishment of a National Land Administration System (NLAS), modernisation of land records through digitisation, decentralisation of services, and institutional strengthening across government and traditional authorities. It also introduces mechanisms for improved accountability, gender mainstreaming, professionalisation, and citizen engagement in land governance. Additionally, this chapter addresses land valuation, taxation, and professionalism.

## **Chapter 7: Land Policy Implementation Framework**

This chapter presents a comprehensive 10-year implementation roadmap (2026–2035), including short-, medium-, and long-term actions. It calls for the creation of a National Land Policy Implementation Unit (NLPIU), establishment of financing and resource mobilisation strategies, capacity development plans, and partnerships with domestic and international actors. The chapter also provides capacity-building strategies and a robust Monitoring and Evaluation

(M&E) framework for tracking progress, conducting mid-term and terminal reviews, and ensuring adaptive policy management.

Each chapter is further elaborated with policy statements, strategic actions, and performance indicators, providing a clear pathway for the operationalisation, financing, and institutionalisation of the NLP. Cross-cutting themes such as gender equity, climate change adaptation, digital transformation, and inclusive governance are integrated throughout the policy.

**In formulating each Policy Statement and Strategic Action, the draft policy has given due consideration to the following factors:**

1. The significance of views expressed by stakeholders throughout the various consultations and validation processes;
2. Consistency with the vision, goals, and objectives of the national land policy;
3. Professional suitability and feasibility of the proposed policy options, weighing the possible risk of jeopardising the overall socio-economic development of The Gambia;
- iv. Regional and international best practices, including:
  - a. International best practices, including the Sustainable Development Goals and the environmental safeguard framework;
  - b. Approximations to practices of sister jurisdictions with similar historical and political experiences, as well as African Union Guidelines to Member States on the Formulation of Land Policies; and
  - c. Past and current experiences of other African countries;
  - d. Expert opinion.

# 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, recreation, and nature conservation. Land is recognised as a foundation for agricultural production, food security, and national self-sufficiency. It is important to emphasise that the agriculture sector is the largest land user and must be explicitly supported through tenure security and land-use protection. Land remains the backbone of national development, with agriculture being the primary sector dependent on secure and equitable access.

The National Land Policy therefore provides mechanisms to protect agricultural land from competing pressures, ensure access to land for smallholder farmers, and promote climate-smart and agro-ecological land-use systems. Land is also recognised 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 country’s socio-economic development, there is currently no comprehensive and holistic national land policy. Additionally, several stakeholders are involved in land sector activities. 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 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, which have led to environmental degradation and social injustices. Unfortunately, land has become a source of controversy due to inadequate policies and governance.

The country faces a multitude of challenges, including numerous unresolved land conflicts, declining public trust in land administration, instances of dual land issuance, unauthorised land extensions by individuals, and a 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 modernise and streamline procedures to enhance the overall efficiency and responsiveness of the land application process.

## 2.2 Vision of the National Land Policy

A peaceful and prosperous Gambia can be achieved through equitable access to land and its efficient, sustainable use.

## 2.3 Mission of the National Land Policy

To ensure the 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.

The aspiration of this policy is to establish a clearer, more effective, and just land tenure system that addresses social and public demands, stimulates responsible investment, and forms the foundation for the nation's continued development.

## 2.4 Goal 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, and strengthen the existing development control policy and systems"—this land policy will play a crucial role in the country's social and economic development by ensuring equitable access to land resources and promoting stability.

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

1. **Establish an Effective Land Tenure System:** The NLP seeks to recognise all legitimate forms of land ownership and tenure rights, ensure tenure security, promote the establishment of a customary land registry system, and guarantee equitable access to land for all citizens.
2. **Promote Responsible and Inclusive Land Use:** The policy aims to encourage responsible, inclusive, and ecologically balanced land use and management of land-based resources. It will promote effective development control, enforce zoning regulations, and guide spatial planning to ensure orderly development, enhance investment, generate wealth, reduce poverty, and increase resilience.
3. **Address Land Management Conflicts:** The NLP intends to resolve 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 empowering youth, persons with disabilities (PWDs), and women in land-related matters.
5. **Promote Access to Justice:** Including the right to land valuation and compensation at replacement value for land acquisition and expropriation.

6. **Ensure Non-discrimination and Inclusion:** The policy commits to non-discrimination and the inclusion of all members of Gambian society, especially the most vulnerable.

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

## 2.5 Objectives of the National Land Policy

### Objectives of the National Land Policy

- a. To clarify the complex and ambiguous constitutional and legal framework for the sustainable management of land resources.
- b. To promote legal reforms that will further harmonise the two separate jurisdictions of the current land tenure systems.
- c. To ensure the security of tenure and protection of land rights for all legitimate landholders, regardless of their form of land tenure.
- d. To promote equitable access to land:
  1. To ensure equitable access to land for all citizens regardless of sex, race, colour, language, religion or belief, political or other opinion, social origin, ethnicity, age, economic position, ownership of property, marital status, disability, birth, or other status.
  2. To facilitate access to land for fair and responsible investment and development by citizens and non-citizens alike, thereby stimulating the contribution of the land sector to overall socio-economic development, wealth creation, and poverty eradication in The Gambia.
  3. To rationalise and formalise all informal landholdings.
  4. To protect state lands and ensure equitable access to these lands and their optimal utilisation.
- e. To promote and enforce sound land use, regulation, and management:
  1. To build capacity for, and promote, land use and country planning strategies for sustainable development in both urban and rural areas.
- f. To streamline and decentralise land administration to be more efficient, transparent, and effective:
  1. To ensure the establishment of a new institutional framework that guarantees democratic and transparent administration of land.
  2. To eliminate corruption through transparency in processes and decision-making, making decision-makers accountable, and ensuring decisions are delivered promptly.
- g) To modernise and streamline the land information system:

1. To transform the current registry system into a modern land registration and management system based on title registration to ensure efficiency and transparency and to minimize the number of land disputes.
  2. To initiate the creation of comprehensive and centralised records for state/government lands, private lands (including customary lands), and land information through cadastral mapping using modern survey technology.
- h. To promote the eradication, avoidance, and efficient settlement of land disputes by rationalising and strengthening the capacity of traditional institutions, local, and national courts for the speedy and effective resolution of land disputes.
- i. To ensure protection and security of The Gambia's national boundaries in accordance with international conventions, as enshrined in the International Law of the Sea, Anglo-Francophone Protocols, and Joint Border Commissions.
- j. To build capacity for the effective monitoring and evaluation of the implementation and impact of the National Land Policy.
- k. To protect, allocate, and regulate agricultural land to ensure national food security, promote investments in agro-based industries, and safeguard rural livelihoods.
- l. To strengthen the alignment of the National Land Policy with the agricultural transformation agenda and support The Gambia's goals of food sovereignty, youth employment, and climate resilience in agriculture.

### **Key Policy Target Indicators**

- Percentage of land registered
- Percentage of land access improved
- Percentage of land disputes reduced
- Women, youth, and persons with disabilities (PWDs) who have access to land
- Existence of a cadastral map of the country or regions
- Revenue generated through land
- Existence of zoning and rate of implementation
- Number of staff trained
- Number of local authorities trained
- Number of land-related laws/regulations updated or introduced
- Percentage of women with titled land
- Percentage of women in land governance bodies and structures
- Percentage of land disputes involving women successfully resolved
- Percentage of land accessed for investment

## **2.6 Guiding Principles for the National Land Policy**

The guiding principles of the National Land Policy (NLP) align with the provisions of the 1997 Constitution of The Gambia, the Sustainable Development Goals (SDGs), the African Union (AU) Agenda 2063, the AU Principles on Land Governance, the Framework and Guidelines on Land Policy in Africa, the principles and recommendations of the African Guidelines on Responsible Governance of Tenure (VGGT), the Principles for Responsible Investment in



Agriculture and Food Systems (CFS-RAI), and most importantly, the Recovery Focused National Development Plan (2023–2027). These principles include:

1. Respect for fundamental human rights and freedoms as enshrined in Chapter Four, Section 22 of the 1997 Constitution of The Gambia.
2. Equitable access to land for all citizens of The Gambia to hold, own, enjoy, use, and develop land, either individually or in association with others.
3. Equity and justice in access to land, irrespective of gender, age, disability, or any other factors influenced by history, tradition, or custom.
4. Secure land tenure for all, ensuring land tenure security supports climate action.
5. Effective and responsible regulation of land use and land development.
6. Land use planning that supports land tenure security, i.e., tenure-responsive land use planning.
7. Optimal land use and sustainable management to enhance economic productivity and commercial competitiveness.
8. Transparency and accountability in democratic land governance.
9. Respect for policies and laws on land acquisition, compensation, and resettlement.
10. Reversing the decline in soil and land quality while mitigating environmental impacts.
11. Recognition of land as a central factor in leveraging other productive sectors and as a key enabler of development.
12. Policy coherence and coordination in land governance.
13. Protection and improvement of land rights in land management.
14. Enhancements in land access, distribution, and prioritisation of land issues in national development planning.
15. Recognition of land as a vital resource for productive and economic activities.
16. Promotion of equity and land justice.
17. Protection of agricultural land from urban encroachment and industrialisation.
18. Preservation of agricultural land through appropriate zoning and land use regulation to prevent its loss to unplanned urbanisation.

## ***2.7 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 administrative structures, and poor record-keeping, which make 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 fuelling tensions between the state and communities, between communities themselves, and between communities and the private sector. 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 persons with disabilities (PWDs) 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 non-Gambians 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 reliance on paper-based documentation, lead to delays, increased risks of fraud, 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 challenges persist, including poorly planned road networks, a lack of emergency access routes, and bureaucratic delays in obtaining development permits. Informal settlements continue to expand due to tenure insecurity, creating difficulties in integrating these communities into formal urban plans.

All these challenges disproportionately affect marginalised groups such as women, youth, and persons with disabilities, who stand to benefit significantly when these issues are addressed. The strategies proposed to tackle the specific barriers these groups face in accessing and controlling land could further strengthen the policy. The policy also addresses issues related to land acquisition, compensation, and resettlement. The NLP seeks to resolve these problems through comprehensive policy reforms, legal updates, and institutional strengthening to ensure equitable access to land and sustainable land management for all Gambians.

A large portion of land in The Gambia is held under customary tenure. As development needs grow, there is increasing pressure to convert such lands into state land. The policy calls for a clear, lawful, and fair process for this transformation, ensuring community consent, protection of rights, and compensation at replacement value—especially for vulnerable groups.

The key policy statements focus on the following:

- General land issues, such as country boundaries, administrative boundaries, property types and boundaries, and the registration system to be adopted.
- Policy for capacity development and institutional setup.
- Policy objectives on core land administration functions (tenure, land-use planning, land development, and land valuation).
- Research on land administration and land administration education policy.
- Monitoring and evaluation of land administration activities by different stakeholders.
- Cross-cutting policy measures (gender, governance, environment, protection of weaker parties, etc.).

# Chapter 3

## LAND TENURE FRAMEWORK

### 3.1 Introduction

Globally, land tenure is an essential component of a functioning society, and The Gambia is no exception. Land tenure governs how land is owned, used, transferred, and managed, ensuring fair access and sustainable development. This policy outlines the issues related to the land tenure framework, including definitions, importance, types, methods, and challenges.

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. A robust land tenure framework is crucial for enhancing tenure security, preventing land disputes, promoting responsible land investment, and empowering marginalised groups, including women, indigenous peoples, and pastoralists.

Legally, in The Gambia, all land is public land. This includes all freehold land (such as parts of Banjul and Kanifing Municipality) and designated state land (Kombo North, Kombo South, and Kombo Central) that is not yet recorded or registered to third parties. It also covers forests, wildlife parks, and reserves; land held by public institutions (including the SSHFC, GT Board [i.e. TDA], GPA, and Geology Department); and all customary lands not yet registered or recorded to communities. These customary lands are vested in the District Authority, held for the benefit of the communities.

### *3.2 Land Tenure Systems in The Gambia (Freehold, Leasehold, and Customary)*

The question, “Who owns the land?” often evokes disputes among people claiming ownership in The Gambia. While land is typically considered both a commodity and a natural resource to be utilised, individuals or groups with legitimate cultural ownership claims make the issue of land ownership one of the most complex and historically challenging topics. For this reason, land ownership is a multifaceted subject with diverse models worldwide. In The Gambia, land can be owned through purchase, inheritance, gift, or donation. One of the main challenges in land ownership is the documentation process, which current policies aim to address. Whereas some countries have centralised systems, others have more complex arrangements. Land tenure systems vary across cultures and regions, reflecting historical, social, and economic factors. Understanding these diverse systems is essential for effective land administration and management.

The Gambia, like other Anglophone West African countries, has a land tenure system based on land use. Customary land covers the majority of the country’s land area—estimated at 9,084 km<sup>2</sup>, or 80.3%—and is administered by district authorities and local chiefs in the regions. Freehold land is estimated to cover 537.7 km<sup>2</sup>, constituting about 10% of the total land area. It

is estimated that approximately 10,000 leases exist within the Department of Lands. Freehold land includes urban residential areas, designated state land within the regions, acquired public land, as well as forest parks, wildlife parks, nature reserves, and the Tourism Development Area (TDA).

The land question facing The Gambia originates from geopolitical, economic, social, and demographic factors, recently compounded by emerging global and strategic imperatives.

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

- Freehold
- Leasehold
- Customary

All lands, both public and private, fall under these three tenure systems.

However, there is also a growing prevalence of informal tenure practices, which are strictly discouraged due to their illegality, lack of basic amenities, and various environmental risks. The development of proper zoning, resettlement strategies, and ongoing dialogue with informal settlers will help address the sprawl of informal settlements.

### **Policy Directions Unique to All Land Tenure Systems**

- a. All land in The Gambia must be registered and titled.
- b. Land will be categorised as customary, freehold, or leasehold.
- c. All land tenure systems will be defined in detail to confer cultural, social, economic, environmental, and political security to all landowners, 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, thereby promoting orderly development.

#### ***3.2 .1 Customary Tenure***

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

The Gambia's legislation recognises 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 their natural fruits should be preserved, and that existing customary law regarding the use and occupation of such land should be maintained 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 prevailing in the localities where such lands are situated. The customary system allows for the sale, lending, rental, inheritance, and gifting of land.

### **Policy Statements**

- a. The Government will recognise customary tenure in its own form to preserve the historical rights of indigenous people.
- b. The Government will establish a land registry system for the registration of land rights under customary tenure and issue Certificates of Customary Ownership.

- c. The Government will legalise the Certificate of Customary Ownership (CCO).
- d. The Government will establish a transparent, legally grounded, and participatory framework for converting customary land to state land to ensure Free, Prior, and Informed Consent (FPIC), and provide compensation at replacement value and alternatives where necessary.
- e. The Government will require comprehensive assessments to justify the conversion of land based strictly on genuine public needs, such as infrastructure, education, health, and housing, avoiding arbitrary or unjustified expropriations.

## **Strategic Actions**

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

1. Design and implement a land registry system to support the registration of individual land rights under customary tenure.
2. Issue Certificates of Customary Ownership based on the customary land registry, conferring rights to indigenous people.
3. Document customary land tenure rules applicable to respective communities.
4. Promote systematic demarcation as a measure to reduce the cost of registering rights under customary tenure.
5. Prepare an inventory of common property resources owned by communities and vest these resources in the communities to be managed under their prevailing customary laws.
6. Undertake mapping and digitisation of all customary lands.
7. Recognise community ownership or custodianship of cultural tourism resources in the
8. Incentivise land access for community-based tourism and ecotourism in rural communities, for example by promoting investment-friendly lease options for ecotourism projects.
9. Conduct participatory mapping and documentation of customary land boundaries prior to any land conversion.
10. Ensure replacement-value compensation, resettlement, or benefit-sharing for communities whose land is converted.
11. Include traditional authorities, local councils, and civil society in all stages of decision-making and oversight.

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

1. 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.
2. Draft detailed guidelines on the formal registration of customary land and the integration of customary tenure into the statutory system.
3. Modify the rules of transmission of land rights under customary tenure to guarantee equity.
4. Make provisions for joint ownership of family land by spouses to guarantee women's access to land.
5. Recognise the roles of customary institutions in making rules governing land, resolving disputes, and protecting land rights.

6. Define family and individual land rights from the communal rights under customary tenure, and distinguish the rights and obligations of customary institutions vis-à-vis those of the community and individuals.
7. Provide for registration of customary land held under trusteeship by Kabilo heads, family heads, or traditional leaders on behalf of the community, family, or individuals, in the name of the kabilos, families, or communities in which the land is situated. The registration process should involve all the kabilo heads and members of the family.
8. Ensure no single trustee can give or sell land without the consent of at least two-thirds of family members, thereby enhancing women's involvement in decision-making related to land.
9. Conduct community consultations and implement mandatory, meaningful consultation processes with customary landowners and affected communities prior to any conversion decision, ensuring their views and concerns are incorporated.

To strengthen local authorities and administrative institutions, the Government will take measures to:

1. Support local authorities by training them in record-keeping and providing land document storage facilities.
2. Recognise and enforce decisions of local authorities by local government and state institutions.
3. Ensure full legislative backing for local authorities as the mechanism of first instance concerning land rights allocation, land use regulations, and land dispute resolution under customary tenure.
4. Include equal representation of women in customary land governance.
5. Ensure that the decisions of local authorities uphold constitutional rights and obligations with regard to gender equity, persons with disabilities (PWDs), and youth.
6. Develop guidelines and procedures under customary land tenure for the allocation and distribution of land, complying with the principles of equity and natural justice.
7. Declare, gazette, and protect all wetlands, parks, and recreational zones for sustainable land use management.

### ***3.2.2 Freehold Tenure (fee simple absolute)***

#### **Freehold Land Tenure**

Freehold land tenure is an absolute right to land that has no time limit on use. This means the land is the owner's exclusive property in perpetuity, subject to applicable laws. The biggest advantage of purchasing freehold land is that you own it indefinitely, but this ownership remains subject to the land use planning and environmental laws of the State.

#### **Policy Statements**

- a. The government, through its responsible Ministry, will exercise regulatory powers over freehold tenure in compliance with physical planning standards, guidelines, and regulations to ensure orderly development.
- b. The government will ensure the registration of all freehold lands in The Gambia.
- c. The government will ensure that all freehold land remains the exclusive property of Gambians. The sale of freehold land must be regulated to prevent indirect or disguised ownership by non-citizens. All transfers must comply with national land tenure laws, and any sale to non-Gambians shall automatically be converted to a leasehold interest.

## Strategic Actions

1. The government will, through legislation, put in place measures to enforce conditional covenants under freehold land tenure to regulate its use and development. This includes conditions for the transfer of freehold titles or their usage, ensuring that all freehold land transactions are transparent, secure, and well documented.
2. The government will review and amend the State Lands Act to specify that any transfer of freehold land to a non-Gambian shall automatically be converted to leasehold.
3. Develop and implement a monitoring system to detect and prevent the indirect acquisition of freehold land by non-citizens.
4. Train land administrators and notaries on the proper legal handling of freehold transactions to ensure compliance.
5. Create a public education campaign about the legal limits on land sales to foreigners.

### 3.2.3 Leasehold Tenure

#### Leasehold Tenure

*Leasehold tenure* is the right to utilise land for a specified period; typically, occupiers have leases ranging from 21 to 99 years granted by the state. The lessee has the right to inhabit and use the land according to the conditions outlined in the lease. While a leasehold property owner exercises ownership rights over the land, the duration of occupancy is usually limited to the number of years stipulated in the lease.

The Ministry of Lands, Regional Government, and Religious Affairs, along with its technical departments (the Department of Lands and Surveys and the Department of Physical Planning and Housing), measures and records parcel boundaries and then creates maps indicating ownership and specific conditions for land use. However, there are constraints on title deed control imposed by relevant government authorities.

Currently, land lease tariffs in The Gambia are significantly below market value, particularly for commercial, industrial, and residential land. These undervalued rates undermine revenue generation, encourage speculative landholding, and distort the efficient use and allocation of land.

#### Policy Statements

- a. The government will limit the duration of lease terms granted to non-citizens.
- b. The government will uniformly grant lease terms for all leases except those for non Gambians, whose lease term should be based on the purpose of the lease.
- c. The government will encourage vertical leasing of properties.
- d. The government will legislate and regulate land coverage standards for different uses, such as residential plot size, commercial, industrial, and others.
- e. The government will facilitate the conversion of customary holdings to leasehold or issue Certificates of Customary Ownership upon designating areas as state land.
- f. The government will periodically update leasing tariffs.

## Strategic Actions

1. Amend relevant provisions of the State Lands Act 1991 to restrict long-term leases for non-citizens.
2. Include a clause in the State Lands Act granting the government reversionary rights, enabling it to exercise the first option of renewal to the current lessee.
3. Amend relevant land legislation to allow periodic updates of tariffs for leasing state and customary lands.
4. Impose periodic reviews to enforce compliance with use and development conditions specified in leasehold covenants upon renewal or extension.
5. Amend the State Lands Act and introduce a new leasehold typology to encourage vertical leasing (high-rise developments).
6. Regulate land coverage sizes.
7. Create public awareness campaigns encouraging customary holders to regularise their titles as “deemed leases” or register as customary owners within designated state land areas.

### *3.3 Facilitating Equitable Access to Land*

Gambians regard access to land as a fundamental right. Indeed, every Gambian requires land—not necessarily for the land itself, but for subsistence, human settlement (residential purposes), and investment. For the majority of Gambians, particularly women in the provinces, land is a crucial resource in their lives. It is invariably a principal source of livelihood and material wealth. However, the vast majority of women do not have ready access to land; most could be described as landless, as they are predominantly tenant farmers engaged in subsistence agriculture.

Over the years, for a variety of reasons—some of which will be highlighted below—the demand for access to this basic resource has never been fully satisfied.

The problem of access to land is also inextricably linked to the tripartite system of land tenure in force in The Gambia. When seeking access to land in The Gambia, the following factors must be taken into account:

- Status of the land
- Location of the land
- Zoning and land use
- Legal status of the potential grantee
- Tenure under which the land is held
- Availability of land in a particular location, or generally

#### *3.3.1 State Land Allocation*

The Government of The Gambia allocates land for residential, industrial, commercial, nature conservation, agricultural, recreational, and institutional purposes to ensure access to land for all. Educational land allocation is recognised as fundamental to national development. The allocation of land for residential use is exclusively for Gambians, while allocations for other purposes, including education, apply to both Gambians and non-Gambians.



## Policy Statements

- a. The Government will provide a clear description of temporal land allocations in the State Lands Act of 1991.
- b. The Government will provide clear guidelines on state allocation procedures to ensure equitable access to land.
- c. The Government will consider applicants from the communities where the land is acquired when allocating land.
- d. The Government will prioritise and safeguard land allocation for educational purposes at all levels, recognising education as essential for national development.

## Strategic Actions

1. Review, amend, and implement laws related to state land allocations.
2. Establish an advisory committee on land allocation.
3. Build capacity for land administrators on issues related to equitable access to land, land allocation, and allocation guidelines.
4. Conduct public awareness and community sensitisation campaigns.
5. Monitor and evaluate land allocation practices regularly.
6. Develop a mechanism to facilitate 30% access to land by marginalised groups such as women, youth, and persons with disabilities (PWDs).

### 3.3.2 Land Donations

#### Land Donation

*Land donation* refers to the voluntary transfer of land from one party—typically an individual, community, corporation, or nonprofit organisation—to another, often a government body or nonprofit entity, for various public purposes. Such donations can serve a wide range of goals, including environmental conservation (protection of natural habitats, wildlife, forests, or wetlands), community development, public infrastructure, or cultural preservation. The process of land donation may be influenced by legal, economic, and social factors. Land donations can be voluntary (without compensation), conditional (imposing restrictions on use), or made in exchange for compensation.

## Policy Statements

- a. The government will typically specify the types of land eligible for donation, as well as the criteria for donors (e.g., landowners, community groups, corporations).
- b. Donors may receive tax deductions or credits in recognition of their contributions, providing an incentive for individuals or companies to donate.
- c. Donors may place conditions on how the donated land can be used (e.g., for specific purposes such as conservation or community development).
- d. A defined legal process will govern the transfer of land from the donor to the receiving entity, including title transfer, land valuation, and oversight of intended land use.
- e. All land donations shall be handled transparently and in accordance with applicable legal frameworks.

## Strategic Actions

1. Draft a comprehensive legal framework outlining the criteria, procedures, and legal implications of land donations. This includes assessing land value, ensuring clear title, and determining permissible uses of donated land.
2. Introduce tax incentives for donors, such as tax breaks, deductions, or other financial benefits, to encourage donations for public use or conservation.
3. Develop a Public-Private Partnership (PPP) framework involving private landowners, businesses, and non-profits to increase the volume of donated land for urban development, conservation, and public amenities. PPPs may also include shared responsibility for maintenance and management.
4. Raise public awareness and educate potential donors about the benefits of land donation, including potential environmental and social impacts. Incorporate case studies and success stories demonstrating how land donations contribute to community development.
5. Involve local communities, stakeholders, and indigenous groups in decision-making around land donations, particularly where such donations may impact local land use, culture, or livelihoods.
6. Conduct land use and environmental impact assessments to ensure that donated land is suitable for its intended purpose.
7. Simplify and modernise land titling and registration procedures to facilitate smooth transfers of land ownership, including efficient methods for verifying ownership and legal status.
8. Designate a Land Donation Oversight Body responsible for overseeing donations, ensuring regulatory compliance, monitoring impacts, and resolving legal disputes.
9. Require written, witnessed documentation for all land donations or gifts, including acknowledgement of consent, boundary details, and intended use, whether under statutory or customary systems.
10. Train local leaders, Alkalolu, and land administration officials to recognise and properly process land donations, preventing coercion, especially where donations are made for public infrastructure, NGO use, or political purposes.

### 3.3.3 Land Borrowing/Lending

Land lending in The Gambia refers to the informal and customary practice of allowing another person or household—whether a relative, friend, neighbour, or migrant—to use a piece of land temporarily without transferring ownership. This practice can also occur between villages or families and is particularly common in rural areas, where most land is governed by customary law. The borrower is granted permission to use the land (usually without a written agreement), often for farming and typically without payment.

The policy recognises that land borrowing and lending are vital for maintaining soil fertility and supporting seasonal agricultural activities. These practices often involve informal agreements, which can sometimes lead to disputes, especially when borrowers invest in land improvements. The policy seeks to formalise these arrangements to ensure equitable access to land, protect the rights of both landowners and borrowers, and promote sustainable land use practices.

## **Policy Statements**

- a. The Government will establish a legal process outlining criteria for land borrowing and lending.
- b. All transfer processes must be documented, and a standardized form should be available through the Alkali for land borrowing and lending.
- c. The lender may impose conditions on the use of the borrowed land.
- d. The Government will provide incentives to those lending land, especially targeting women, persons with disabilities (PWDs), and youth.

## **Strategic Actions**

1. Develop guidelines governing the transfer process of land borrowing and lending.
2. Create a standardised form for use by all Alkalolu for land borrowing and lending transactions.
3. Define a clear legal process for land borrowing and lending.
4. Develop an incentive mechanism to encourage the lending of land to women, PWDs, and youth.
5. Raise public awareness to promote land lending and borrowing, particularly among women, PWDs, and youth.

### **3.3.4 Land Ownership by non-Gambians Companies**

The Gambia currently faces a gap in land governance where non-Gambians can register companies locally and acquire customary lands, thereby circumventing restrictions on land ownership by non-Gambians. This loophole undermines the spirit of land protection laws, weakens tenure security for local communities, and can contribute to land concentration and market distortion in rural and semi-urban areas. For reasons of equity, and bearing in mind the limited land available, land allocation to non-Gambian companies should be restricted to the coastal region.

## **Policy Statement**

The Government will align with best practices and safeguard land tenure by restricting land ownership by non-Gambian companies.

## **Strategic Actions**

1. Amend land legislation to define foreign-owned companies and restrict their ability to acquire customary land.
2. Establish ownership thresholds (e.g., 40%) beyond which a company is considered foreign-controlled for the purposes of land ownership.
3. Limit leasehold durations granted to foreign entities to a maximum of 21 years.
4. Mandate full disclosure of beneficial ownership in land transactions involving corporate entities.
5. Strengthen institutional mechanisms to monitor and enforce compliance with foreign land ownership restrictions.
6. Revise land premiums to reflect market value.

### **3.3.5 Discrimination and Denial of Land Rights of Women, PWDs, 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, and preserve and conserve resources for future generations.

Although protection from discrimination based on gender, ethnicity, race, and other factors is a fundamental right guaranteed by the Constitution, the legislature has yet to address the issue by outlawing discriminatory traditions, customs, and practices related to land ownership, access, occupation, and use. Access to land for women entails a bundle of rights, including the rights to inherit, use, own, secure, and control land, as outlined in SDG 5.a.2.

#### **Policy Statements**

- a. The government will undertake to amend the Constitution to enact provisions protecting women's rights to access, own, and use land.
- b. This policy will ensure that constitutional provisions protecting women's rights, particularly those relating to land, are included in the basic land statute to be enacted following this policy's implementation.
- c. The government will ensure appropriate provisions are inserted into relevant land laws to protect equal rights of inheritance and land ownership for women, youth, persons with disabilities (PWDs), and marginalised groups.
- d. The government will guarantee that citizens can acquire land anywhere in The Gambia without discrimination and will require compensation if land is acquired by the government.
- e. The government will ensure that citizens can exercise their tenure rights and access related services without discrimination.
- f. The government will encourage joint spousal titling of land to protect women's rights in land ownership.
- g. The government will ensure that agricultural land is equitably allocated to youth, women, and vulnerable groups, with tailored support mechanisms such as land leasing schemes, co-ownership models, and land banks for agricultural production.

#### **Strategic Actions**

To protect the rights of women, the government will:

1. Enact legislation providing effective protection of the rights of women, youth, PWDs, and marginalised groups to land and related resources and services.
2. Enforce existing laws and establish a clear legislative framework to protect the rights of women, youth, PWDs, and marginalised groups in matters of land access, use of land-based resources, and tenure rights.
3. Enhance and guarantee women's equal access to land and security of tenure; facilitate land acquisition by women in their own right—not only through purchase but also through government allocation—which may include access to low-interest loans, grants, or subsidies.
4. Conduct an assessment of The Gambia's performance regarding SDG indicator 5.a.2, which concerns women's equal rights to and control over land.
5. Provide for joint spousal and adult titling, registration, and documentation of land rights, as well as joint spousal consent for land disposals, applicable to all tenure forms. This

will be supported by awareness campaigns and amendments to the Women's Act and relevant land legislation.

6. Facilitate proportionate representation of women in institutions and committees dealing with land at all levels.
7. Amend relevant sections of the Land Regions Act (Cap 57:03) to reflect current realities concerning customary tenure rights applicable in the provinces, especially between indigene and non-indigene populations.

### **3.4 Access to Land for Responsible Investment**

Government and its agencies should do more to create an environment that attracts responsible investment for sustainable development, both domestic and foreign.

Currently, in the state Land Area, a non-citizen can acquire only a leasehold interest for a term of twenty-one years for residential or other purposes (commercial/industrial), renewable for the same period. Under the Land Regions Act, the corresponding lease term is fifty years, subject to the Minister's approval in consultation with the Lands Advisory Committee.

#### **Policy Statements**

- a. The Government will create an enabling environment to attract responsible investments (both domestic and foreign) in accordance with established laws and procedures, without exceptions.
- b. The Government will adopt measures to ensure that investors act responsibly, respect human and land rights, and do no harm to food security, local livelihoods, or the environment, in compliance with the CFS-RAI and FPIC.
- c. The Government will ensure that a Memorandum of Understanding (MOU) is established between potential investors and original landowners (families, communities, and clans) for responsible investments.
- d. The Government will encourage the leasing of community land in the name of the community for further subleasing to potential investors through GIEPA.

#### **Strategic Actions**

1. Non-citizens shall not be granted an interest in land exceeding a 50-year leasehold in The Gambia, with the exact term determined based on their investment objectives.
2. Land area acquired for any single investment will generally not exceed 2 hectares, to protect communal land tenure against large-scale acquisitions by foreign investors. Additional land may be acquired in accordance with guidelines to be developed, depending on the type of business.

The Government and all agencies involved in attracting responsible investments, both local and foreign, will take measures to:

1. Support a community-led land bank scheme for responsible large-scale investments through community consultation mechanisms, with clearly defined rules on participation and decision-making. The consultation should involve women, youth, and vulnerable groups.

2. Establish clear and transparent procedures and criteria to ensure the full participation of all relevant stakeholders, landowners, and land users in identifying land suitable for responsible investment or for allocating land to investors.
3. Review, consolidate, and strengthen the GIEPA Act 2015 to encourage responsible investments.
4. Set up clear and transparent procedures to ensure adherence to best practices for responsible agricultural and land-based investments in The Gambia.
5. Require investors to recognise and respect legitimate tenure rights.
6. Establish clear guidelines for obtaining free, prior, and informed consent from communities, landowners, and users where land investment is proposed, and for transactions affecting land tenure rights, partnership agreements, and revision clauses in long-term land leases concerning compensation. This aims to encourage community participation and equitable distribution of benefits from land investments.
7. Conduct independent impact assessments to identify potential negative and positive effects prior to allocating land for responsible large-scale investments, with particular attention to tenure rights of men and women, food security, and environmental sustainability.
8. 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.
9. Establish a legal assistance fund to provide legal and paralegal support to communities, landowners, and land users in negotiations with potential large-scale land investors.
10. Create a mechanism to monitor the outcomes of land allocations, including gender-differentiated impacts on food security and poverty eradication, as well as their effects on social, economic, and environmental objectives, introducing corrective measures as needed.
11. Facilitate access to grievance redress mechanisms for disputes over investments and require large-scale investors to establish effective internal complaints procedures.
12. Provide reliable and easily accessible land-based information to guide potential responsible investors.
13. Maintain and update comprehensive, publicly accessible inventories of all large-scale land transactions in the country, including leases, maps, and acknowledgement agreements.
14. Special provisions shall prioritise agricultural investments that promote food security, agro-processing, and local employment.
15. Investors in agricultural land must meet minimum social performance standards, including community engagement, environmental stewardship, and support for local farmers.

The Government will require that:

1. 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, or organisation. Similar guidelines will be developed to prevent extreme land fragmentation.
2. 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 their capacity to develop the parcels or plots.
3. Planning and development conditions will be strictly monitored. Where necessary, punitive fines and withdrawal of tax incentives will be imposed to prevent speculative holding of agricultural and urban development land, regardless of tenure classification.

4. Non-transferability conditions will be considered to avoid speculation in the event of non-development of allocated land.

### **3.5 Access to Land as a Public Good**

Access to land as a public good is essential to achieving social, economic, and environmental justice. By recognising land as a shared resource, ensuring its equitable distribution, and managing it responsibly, the government can create an environment in which all citizens have access to land to meet their needs and contribute to the collective prosperity of society. This policy aims to foster a fair and sustainable land governance system that benefits both present and future generations.

#### **Policy Statements**

- a. The government will ensure that all public lands are available and accessible for the benefit of all citizens, regardless of social status, thereby laying the foundation for equitable development, environmental sustainability, and social cohesion.
- b. The government will ensure that land is used and managed in an environmentally sustainable manner, promoting conservation, biodiversity, and climate resilience. Public access to land will be balanced with the need to protect natural resources and ecosystems for future generations.
- c. Land will be allocated for essential public infrastructure, including transportation, healthcare, education, and utilities, ensuring that these services are accessible to all citizens. Public land will also be designated for community use, such as recreation, cultural activities, and social gatherings. This includes public parks, community gardens, sports facilities, and other spaces that foster social interaction.

#### **Strategic Actions**

1. Develop zoning and land-use regulations to ensure that public land is utilised in the most equitable, efficient, and sustainable manner.
2. Strengthen land administration institutions to improve public land registration, resolve land disputes, and enhance the management of public land resources.
3. Provide training and capacity-building programmes for local governments, land officers, and communities to enhance their understanding of public land rights and management practices.
4. Establish a robust monitoring and evaluation framework to track progress in land access and usage, ensuring that policies are effectively implemented and outcomes align with the public interest.
5. Conduct regular assessments of land management practices to identify and address challenges—such as land disputes or mismanagement—and ensure accountability.
6. Ensure public consultation and participation are central to decision-making processes, allowing communities to have a meaningful voice in how land is allocated and used.



# Chapter 4

## LAND USE PLANNING AND LAND MANAGEMENT FRAMEWORK

### 4.1 Introduction

As defined in Section 1.2.4, land use planning in The Gambia is a strategic tool for regulating land allocation and usage. In practice, however, the country faces significant challenges due to outdated plans and institutional gaps.

The Gambia, one of mainland Africa's smallest and most densely populated countries, has not had a national land use plan since 1985. The expiration of the Greater Banjul Master Plan in 2000 created a policy vacuum, enabling unchecked urban sprawl and inefficient land use. Urban growth continues to outpace planning capacity, with settlements expanding into wetlands and forests without permits or infrastructure. Fewer than 50% of plots in unplanned areas meet the required size standards, while rural areas remain largely excluded from formal planning frameworks.

Institutional overlap and limited capacity—particularly within the Department of Physical Planning and Housing (DPPH)—further exacerbate the situation. The ongoing loss of forests and green spaces, coupled with declining public trust in land governance, highlights the urgent need for reform.

With a rising population, increasing climate risks, and rapid urbanisation, securing productive agricultural land is critical for national food security. This policy commits to identifying, mapping, and preserving key rice-growing basins, upland crop zones, and grazing corridors.

This chapter lays the foundation for modernising land use planning in The Gambia, with a focus on inclusivity, enforcement, climate responsiveness, and integrated spatial development.

### 4.2 Current State of Land Use Planning

#### Key Challenges in Land Use Planning and Management

Land use planning and management face numerous challenges that hinder sustainable development and effective land utilisation. These challenges include the following:

- **Outdated Land Use Plans:** Many national, regional, and local development plans are outdated, limiting their relevance in addressing current and future land use needs. As a result, these plans often fail to respond effectively to emerging spatial, economic, and environmental dynamics.



- **Rapid Urbanisation and Population Growth:** Accelerated population growth and urban expansion are placing significant pressure on limited land resources, particularly in urban and peri-urban areas. This often leads to unplanned development, congestion, and overstretched infrastructure.
- **Weak Enforcement of Planning Regulations:** The enforcement of zoning regulations and development control standards remains inadequate. This has contributed to the proliferation of informal settlements and unauthorised land development, undermining the effectiveness of land use plans.
- **Encroachment on Wetlands and Conservation Areas:** Increasing occupation of wetlands, riverbanks, and protected areas threatens biodiversity, heightens disaster risks, and weakens climate resilience. Such encroachments reflect poor monitoring and lack of awareness of environmental conservation.
- **Shortage of Trained Planning Professionals:** Planning institutions often face capacity constraints due to a shortage of qualified personnel, outdated planning standards, and inadequate equipment. This undermines the quality and effectiveness of land use planning efforts.
- **Land Use Conflicts:** Poor coordination among institutions, overlapping mandates, and fragmented planning processes result in frequent land use conflicts and inconsistent land allocation decisions.
- **Inadequate Provision of Affordable Housing:** There is a significant shortage of affordable and planned housing, particularly for low-income groups. This shortfall contributes to the rapid growth of informal settlements and deepens socio-economic inequalities.
- **Limited Public Participation:** Planning processes frequently lack meaningful consultation with local communities, traditional authorities, and vulnerable groups. This limits community ownership, reduces compliance with plans, and often leads to resistance or disregard for planning outcomes.
- **Environmental Degradation:** Ineffective land management practices and the failure to integrate environmental safeguards have accelerated land degradation, increased flood risks, and resulted in the loss of green spaces and ecological balance.

## 4.3 Main Issues in Land Use Planning and Management

### 4.3.1 Inadequacy of Current Legislation

Although The Gambia does not have a comprehensive land policy, there are several pieces of legislation and a number of related laws and policies in place—most of which are outdated. Consequently, land issues have not been approached or addressed in an integrated or coordinated manner. The overlap between state agencies responsible for land management remains unresolved and unharmonised, and clear inter-village boundaries have not been defined, leading to frequent conflicts.

### 4.3.2 Weak Coordination, Consultation and Enforcement

The main challenge is weak inter-agency coordination and enforcement in TDAs among multiple stakeholders, resulting in conflicting land use decisions. Typical examples include:

## **1. Tourism Development Area (TDA)**

The Gambia Tourism Board (GTB) administers and manages the TDA, while the Ministry of Lands, Government, and Regional Administration (MLGLRA) regulates land under the State Lands Act. This dual control has led to conflicting land allocations, with land designated for tourism simultaneously claimed by local communities or other state entities such as the Department of Fisheries and the Department of Geology.

## **2. Banjul International Airport**

Encroachments into the airport buffer zone have led to increasing land conflicts. Unauthorised settlements and developments in these areas pose serious risks to airport security and planned expansions.

## **3. Environmentally Sensitive Areas**

These areas, including the Tanbi Wetland, wetlands, and gazetted forests, are experiencing rapid degradation due to urban expansion, illegal land conversion, and unregulated activities.

## **4. Geology (Issuance of Mining Licences)**

Environmental and geologically sensitive areas — including the TDA, forests, and wetlands — are under threat from unregulated mining, sand extraction, and other forms of resource exploitation. These activities jeopardise ecosystems, community livelihoods, and sustainable land use.

## **5. Fisheries (Fish Landing Sites)**

Coastal fish landing sites are facing degradation due to unregulated land allocation, unauthorised construction, and pollution. This threatens marine biodiversity, community livelihoods, and the sustainable use of coastal land.

### **4.3.3 Planning Issues**

#### **Urban Planning Challenges in The Gambia**

Urban planning in The Gambia faces a range of complex and interrelated challenges. The country's urban areas—particularly the Greater Banjul Area—are grappling with issues that hinder sustainable development. These include rapid urbanisation, inadequate infrastructure, environmental degradation, informal settlements, governance constraints, poor land use management, a housing shortage, inefficient transportation systems, and limited climate change resilience. Addressing these problems requires a comprehensive, multi-sectoral approach involving a wide range of stakeholders.

#### **1. Rapid Urbanisation**

One of the most pressing issues in urban planning in The Gambia is the rapid rate of urbanisation. Rural-to-urban migration, driven by the pursuit of better economic opportunities and services, has led to urban growth that exceeds the capacity of existing infrastructure. The Greater Banjul Area, including Brikama, is experiencing significant population increases, resulting in overcrowding and heightened demand for housing, water, sanitation, and other

essential services. This rapid urban expansion has caused a sharp rise in land prices and increased land speculation. Similar patterns are also emerging in rural growth centres, which are beginning to face comparable urbanisation challenges.

## **2. Inadequate Infrastructure**

Infrastructure in Gambian urban areas is often insufficient to support the growing population. Roads, water supply systems, and sewage facilities are frequently inadequate and poorly maintained. This situation not only affects residents' quality of life but also impedes economic activities. For instance, road networks are commonly congested and deteriorated, causing traffic delays, accidents, and pollution. Furthermore, an unreliable electricity supply disrupts both domestic life and business operations, undermining economic productivity.

## **3. Environmental Degradation**

Urbanisation has contributed significantly to environmental degradation across The Gambia. Common issues include deforestation, soil erosion, and pollution. The expansion of urban areas frequently encroaches on wetlands and other ecologically sensitive zones, resulting in habitat destruction and biodiversity loss. Additionally, the absence of effective waste management systems leads to the accumulation of solid waste in streets and waterways, exacerbating environmental pollution and increasing health risks.

## **4. Informal Settlements**

The proliferation of informal settlements is another major urban planning concern. Many new urban residents, unable to afford formal housing, resort to building makeshift homes. These areas typically lack access to clean water, sanitation, electricity, and proper roads. Moreover, they are often situated in environmentally hazardous locations. The absence of legal recognition for these settlements leaves residents with limited tenure security and vulnerable to forced evictions.

## **5. Governance Challenges**

Urban planning efforts are further constrained by governance-related issues. Institutional capacity is weak, inter-agency coordination is poor, and financial resources are limited. Planning authorities often lack the technical expertise and funding necessary to formulate and implement effective urban development plans. This results in reactive rather than proactive planning approaches and leaves many critical challenges unaddressed.

## **6. Land Use and Zoning**

Land use and zoning regulations in urban areas are frequently outdated and poorly enforced. This leads to disorganised development, where residential, commercial, institutional, and industrial zones are not clearly delineated. In many cases, zoning classifications within specific areas are either unclear or non-existent. Consequently, incompatible land uses—such as factories located near residential neighbourhoods—pose health and environmental hazards. The unregulated issuance of planning permits and construction in flood-prone areas also exacerbates the problem.

## **7. Housing Shortage**

A growing housing shortage is another significant urban challenge. Rapid population growth has outstripped the supply of affordable housing, pushing prices higher and forcing many residents into inadequate living conditions. Government initiatives to address the housing deficit are hampered by limited resources and the high cost of construction materials. Despite the government's stated commitment to providing affordable housing, there is currently no national housing policy in place to guide development efforts or address these challenges systematically.

## **8. Transportation**

Urban transportation infrastructure is underdeveloped and struggling to meet demand. Public transport options are limited, unreliable, and often unsafe, leading to a heavy reliance on private vehicles. This contributes to traffic congestion and increased pollution. Furthermore, the absence of pedestrian walkways and cycling infrastructure makes non-motorised transport both unsafe and unattractive, compounding the sector's inefficiencies.

## **9. Climate Change Resilience**

The Gambia is highly vulnerable to the effects of climate change, including rising sea levels, increased temperatures, and extreme weather events. Urban areas, especially coastal cities like Banjul, face serious threats from flooding and storm surges. Integrating climate resilience into urban planning is essential. This involves investing in climate-smart infrastructure, robust flood management systems, the conservation of natural buffers such as mangroves, and the promotion of sustainable construction practices and standards.

## **4.4 Challenges in Land Use Planning and Management**

### **4.4.1 Environmental Issues**

Rapid population growth, accompanied by the unplanned expansion of human settlements, is threatening environmental health and natural ecosystems. Road construction and other infrastructure developments have caused major disruptions to the processes and functions of key ecosystems. Forest cover is declining due to the expansion of agricultural activities and the increasing demand for residential land. Similarly, wetlands are being encroached upon for both residential and industrial purposes.

For example, the construction of the OIC complex in Bijilo has led to the de-reservation of 14.3% of the Bijilo Forest Park. Likewise, the NAWEC complex has been built within the Salagi Forest, further contributing to environmental degradation.

Other significant and related factors include the cutting of firewood, overgrazing, destructive fishing and oyster harvesting practices, and the dumping of household and industrial waste into wetlands adjacent to urban areas. These activities have also contributed to the erosion of original settlement boundaries.

### **4.4.2 Economic Issues**

Land utilisation in The Gambia is predominantly characterised by extensive residential development, particularly in urban areas. However, the growth of employment opportunities,

commercial activities, and productive ventures has not kept pace with this trend. Consequently, land available for economic activities in urban centres is becoming increasingly scarce, thereby limiting employment opportunities.

The Banjul Port, being the primary gateway for imports and business-related goods, plays a critical role in the country's economy. However, due to its location and the high cost of land in urban areas, many businesses are compelled to relocate to the Kombos. This relocation, while necessary, carries significant cost implications for those enterprises.

## **4.5 Land Use Planning Principles**

Effective and sustainable management of land resources is essential for national development and social stability in The Gambia. However, the country currently lacks an up-to-date National Land Use Plan, and planning efforts have lagged behind the rapid pace of development. This has led to uncontrolled urban growth, the proliferation of informal settlements, and inefficient land use.

The existing planning frameworks are outdated, with only a draft plan for the Greater Banjul Area currently awaiting approval. To guide balanced development, promote regional equity, protect environmental resources, and ensure sustainable socio-economic growth, it is critical to formulate and implement a comprehensive National Land Use Plan. This must be accompanied by updated regional growth centre plans and local plans across all administrative areas.

### **Policy Statements**

- a. Develop and efficiently implement a National Land Use Plan to guide land allocation and physical development, in consultation with relevant stakeholders.
- b. Develop and implement urban and regional spatial plans, integrated with comprehensive physical development plans and supported by the necessary legal frameworks.
- c. Prepare local land use plans at the district and town levels, ensuring alignment with regional and national frameworks.
- d. Ensure responsiveness to land tenure security, guaranteeing that the rights and interests of all segments of the Gambian population are respected and protected during land use planning.

### **Strategic Actions**

1. Declare all land within The Gambia as a planning area.
2. Reconcile and prioritise public, community, and private interests to meet the diverse needs of rural, agricultural, rangeland, industrial, investment, urban, and environmental land uses. Spatial planning shall recognise all tenure rights and address overlapping rights through inclusive consultations with relevant stakeholders.
3. Publicly disseminate laws and policies related to spatial planning, ensuring active stakeholder engagement and meaningful consultation.
4. Develop a National Spatial Development Plan integrated with a comprehensive land registration system that recognises the interrelationship between natural resources and incorporates traditional and cultural aspects of land use, through stakeholder consultations.

5. Ensure transparency by clearly demonstrating how public participation influences final spatial plans.
6. Establish safeguards to mitigate corruption and prevent the abuse of spatial planning powers, particularly in relation to changes in regulated land use.
7. Promote broad public participation in the development of planning proposals and the review of draft spatial plans. Ensure that the priorities and interests of communities—including indigenous peoples, women, vulnerable groups, and agriculturally-based communities—are reflected.
8. Promote diversified and sustainable management of land and land-based natural resources, including agro-ecological approaches and sustainable intensification, through spatial planning.
9. Develop and implement a functional monitoring and enforcement system to ensure compliance with land use plans and regulations.
10. Discourage land hoarding through strict enforcement of development control strategies and robust planning and land use regulations. Allocated lands shall be properly documented or leased in the name of communities and guided through regional and community-led processes.
11. Reserve sizeable land parcels for industrial and investment land banks. Allocations to investors shall be subject to term restrictions aligned with operational durations, verified feasibility studies, environmental approvals, and demonstrated implementation capacity.
12. Enforce the use of land according to its allocated purpose, and monitor land use changes. The government will establish land size ceilings based on use, location, and investment viability.
13. Strengthen institutional capacity by enhancing the staffing, training, and technical support available to land use planning institutions.

## 4.6 Land Use Planning

**Land use planning** is a regulatory system through which governments manage and control how land is utilised within The Gambia. At present, there is no up-to-date land use plan or regulation in place to effectively guide land use and management.

Physical planning currently relies heavily on the discretion of planning officers, resulting in significant disparities in land use across the country. This lack of standardised regulation has contributed to rapid urban sprawl and a decline in vegetative cover, with serious implications for the climate and environment.

### 4.6.1 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 frameworks, coupled with decentralised development plans, to guide the Government in fostering sustainable, pro-poor land use planning and development.

#### **Policy Statement**

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

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

Tenure responsiveness should be a key objective of national and regional land use planning systems, ensuring that the rights of all segments of the Gambian population are equally protected against land tenure insecurity caused by unlawful evictions.

## **Strategic Actions**

1. The Government will:  
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 zones, tourism development regions, and ecologically and climate-sensitive areas.
2. Establish 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.
3. Update Land 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 utilising planning laws to capture increasing urban and regional values.
4. Embed Tourism Infrastructure into National Planning by prioritising road and utility access in tourism regions through spatial development plans.
5. Identify and map areas prone to natural disasters such as floods, landslides, and droughts, to enhance national preparedness by relevant sectors.
6. Ensure a transparent consultation process and wide dissemination of information to increase accountability and governance.
7. Ensure all real estate projects may be sold or developed only after the Planning Authority issues a zoning compliance certificate linked to an approved physical development plan or local plan. Any deviation from the plan empowers the Authority to halt construction and revoke permits.
8. Establish agricultural land protection zones, especially in fertile lowland areas, wetlands, and peri-urban farmlands.
9. Ensure that the National Spatial Development Plan demarcates zones for agricultural production, agro-industrial development, and grazing lands, with legal protection from conversion to other uses unless approved through a defined review mechanism.
10. Establish dedicated areas for industrial zones and business parks within the National and Regional Land Use Planning System.
11. Integrate emerging technologies such as the use of drones in land registration, digitalisation, and cadastral mapping.
12. Utilise artificial intelligence (AI) in spatial planning.

## 4.6.2 Regional and Agricultural Land Use Planning

In The Gambia, urban and rural land form a continuum, where administrative regions encompass a mix of urbanising and rural settlements. Although regions are designated administratively, the physical landscape reflects a gradual transition, with urban expansion increasingly engulfing surrounding rural settlements and reshaping the traditional rural character of many areas.

This plan is required to determine, monitor, and regulate regional and agricultural land use in The Gambia. However, there is currently no rural or agricultural land use plan in place or being implemented to guide the growth and trends of land use development at the regional level. At present, physical planners often rely on their own discretion to determine land use in regional and rural areas. This approach is subjective, inconsistent, and lacks clear policy direction, highlighting the urgent need for a comprehensive and goal-oriented framework.

### Policy Statement

To efficiently guide and improve regional and agricultural land use planning, the Government will pursue effective and integrated strategies for regional agricultural land use management.

### Strategic Actions

The Government will:

1. Review and update existing planning legislation to include provisions for regional land use planning;
2. Recognise regional and rural settlement planning as essential tools for sustainable resource management, alignment of infrastructure standards, and the provision of public spaces;
3. Develop and implement regional land use strategies to assist communities in achieving optimum productivity;
4. Integrate regional agricultural land use planning into the broader land management process;
5. Secure and preserve wetlands, cattle tracks, and waterways exclusively for agricultural development, drainage, and biodiversity conservation—prohibiting their use for residential construction, sports fields, or other non-agricultural purposes;
6. Ensure the sustainability of land for agricultural development programmes by formulating specific agricultural land use plans for every region and district. These plans shall define productivity targets and principles, recommended land sizes, and outline pastoral land uses and ecological services, in consultation with relevant public stakeholders and government agencies;
7. Empower the Ministry of Agriculture to develop comprehensive training packages on land use and capability assessment for trainers of smallholder farmer organisations, to promote best practices in land resource management;
- viii. Establish designated areas for commercial investment, agro-processing, and/or industrial zones within regional and agricultural land use planning frameworks.



## **4.7 Environmental Management Principles**

### **4.7.1 Conservation and Sustainable Management of Land Based Natural Resources**

#### ***Environmental Policy and Strategic Actions on Land-Based Natural Resources – The Gambia***

The Gambia currently faces several environmental challenges, including the degradation of natural resources such as forests, nature reserves, wildlife habitats, wetlands, and water bodies. This degradation is largely due to the unregulated and unsupervised use of land, often without adherence to environmentally friendly practices.

To ensure an integrated and comprehensive approach to the management of land-based natural resources, all policies, regulations, and laws relating to such resources shall be harmonised with the framework established by the 1994 National Environmental Management Act. This Act will be replaced by the draft 2025 National Environmental Management Act once it is enacted by the National Assembly.

#### **Policy Statement**

The Government will adopt an integrated and comprehensive approach to the management of land-based natural resources to ensure their optimal use and sustainable management. All land use practices will be required to conform to land use plans and sustainable environmental principles. The effectiveness of institutional and legal frameworks will be enhanced to maintain environmental integrity for future generations.

#### **Strategic Actions**

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

1. Implement an incentive scheme to encourage the development of participatory Local Environmental Action Plans (LEAPs) by communities and individuals living near environmentally sensitive areas. These plans will aim to preserve cultural and socio-economic values and promote benefit-sharing between land resource management institutions, authorities, and local communities.
2. Identify, map, and reserve critical wildlife migration and dispersal areas and corridors, in consultation with communities and individual landowners.
3. Provide incentives and rewards to promote the restoration, maintenance, and protection of natural resources.
4. Establish an effective institutional framework and build capacity to implement international conventions, particularly those related to access to land-based natural resources.

#### **Additionally, the Government will take measures to:**

1. Encourage the development of wildlife sanctuaries and nature reserves, and involve local communities and individuals living near parks and protected areas in the co-management of these areas.

2. Develop fit-for-purpose environmental standards across all land use and management sectors.
3. Formulate land acquisition and compensation standards to ensure fair compensation for all affected landowners, with eligibility criteria focusing on vulnerable groups and the impact on livelihoods.

#### **4.7.2 Human Settlement (Urban, Semi-urban, and Rural)**

##### **Human Settlement Development**

Human settlement development in The Gambia is constrained by inadequate physical planning, compounded by the rapid and uncoordinated growth of urban areas. Uncontrolled population growth and urbanisation are occurring in the absence of a coherent national urban policy. This has resulted in settlements characterised by unplanned and inefficient land use for shelter, poor infrastructure, and inadequate access to basic services. The consequences include urban sprawl, encroachment on prime agricultural land, and degradation of environmentally sensitive areas such as wetlands, hilltops, and natural resources through unregulated real estate development.

##### **Policy Statements**

- a. The Government will promote sustainable, inclusive, and resilient human settlements in The Gambia. This includes ensuring equitable access to housing, basic services, and infrastructure, while advancing environmental conservation, social equity, and economic growth. The policy and strategy framework will enable the country to optimise land use, manage growth sustainably, and enhance the quality of life for all citizens, while safeguarding natural and cultural resources.
- b. The Government will support the regularisation and upgrading of eligible informal settlements. This will improve security of tenure, access to infrastructure, and basic services, while aligning settlement development with national planning, environmental, and social objectives.
- c. The Government will advance gender-responsive land use and human settlement planning. Land allocation, sustainability measures, and urban development programmes will acknowledge and address the distinct needs, roles, and contributions of women and men. Special attention will be given to promoting women's land rights, their participation in planning processes, and leadership in sustainable community development and environmental protection initiatives.

##### **Strategic Actions**

1. Develop a comprehensive national urban and regional policy.
2. Develop a national housing policy.
3. Develop a national resettlement policy and action plan to guide land expropriation for projects in the public interest.
4. Promote affordable housing through public-private partnerships. Allocate land to private developers under conditions to construct low-cost housing units accessible to low- and middle-income groups, with potential incentives such as tax waivers and support for service provision.
5. Ensure that land for human settlement is properly planned, with social and basic services allocated equitably and efficiently.
6. Strengthen urban and regional land use management by enforcing planning regulations to prevent urban sprawl, land wastage, and hoarding.

7. Implement a legal framework to support and regulate urban agriculture, harmonised with relevant sectoral policies.
8. Regulate land subdivision in both urban and rural areas in accordance with approved urban and regional development plans.
9. Establish institutional mechanisms for the conservation of high-quality land for environmental protection purposes.
10. Enforce land use regulations rigorously in urban and peri-urban areas across The Gambia.
11. Create incentives to encourage settlement in regional and rural areas, thereby alleviating pressure on urban land.
12. Conduct inclusive consultations on human settlements, reflecting the needs of all land users—including vulnerable groups—to promote transparency and improved governance.
13. Ensure that all national, regional, and local human settlement plans incorporate gender analysis and specific measures to ensure equitable access to land, housing, and natural resources for women.
14. Strengthen women's participation and leadership in settlement upgrading, community development, and land use planning committees.
15. Promote land allocation, regularisation, and resettlement programmes that secure tenure rights for women, especially in informal and vulnerable settlements.
16. Support environmental protection and climate adaptation programmes that empower women in natural resource management, sustainable agriculture, and community-level water conservation.
17. Develop integrated urban-rural planning guidelines to establish coherent planning dynamics across rural, peri-urban, and urban areas.

### **4.7.3 Agriculture Management Principles**

#### **The Gambia's National Agriculture and Natural Resources Policy**

The Gambia has formulated a comprehensive National Agriculture and Natural Resources (ANR) Policy. Land productivity and sustainability for agriculture are well addressed in this policy, enabling the identification of the specific needs of agricultural land for optimal and sustainable use. The policy clearly states that Gambian soil is generally poor and has deteriorated over the years due to the decline in natural forest cover, erosion, and soil mining.

The heavy alluvial soils in the lowlands are described as being moderately fertile but challenging to cultivate manually.

#### **Policy Statement**

The Government will regulate the use of land and water resources for agricultural production in alignment with the Agriculture and Natural Resources Policy.

#### **Strategic Actions**

The Government will:

1. Update the Agriculture and Natural Resources (ANR) 2017–2026 Policy and other legal frameworks related to the environment and climate change to reflect this policy.

2. Promote the utilisation of surface and underground water resources to boost agricultural production through irrigation systems and boreholes for multiple and off-season cropping.
3. Formulate a National Soil Policy in consultation with relevant stakeholders.
4. Amend the Parks and Wildlife Biodiversity Act (2003) to align it with this policy.
5. Amend all policies of Ministries, Departments, and Agencies (MDAs), as well as other entities involved in land use planning, management, and administration, to reflect this policy.
6. Develop a National Agricultural Act to protect agricultural land and enhance land use planning.

#### 4.7.4 Climate and Urban Environmental Management Principles

##### **The Gambia's Commitment to Climate Resilience and Sustainable Urban Development**

The Gambia, a Least Developed Country (LDC), ratified the United Nations Framework Convention on Climate Change (UNFCCC) in 1992, the Kyoto Protocol in 2001, and endorsed the Paris Agreement (COP21) in 2015. The country is also committed to the Sendai Framework for Disaster Risk Reduction, which calls for strengthened climate resilience and ecosystem protection. Despite these commitments, The Gambia continues to face increasing impacts of climate change—including environmental degradation, natural disasters, and displacement—which undermine national development goals.

In response, the Government is committed to developing and adopting a **National Resettlement and Compensation Policy Framework (RPF)**. This framework aims to minimise adverse impacts associated with physical or economic displacement and to ensure that effective mitigation measures are in place when displacement does occur. It will complement the National Land Use Planning system by integrating displacement risk prevention into land development decisions, particularly in climate-vulnerable and high-growth areas.

The RPF will align with international standards, including the Paris Agreement, the Sendai Framework, and the World Bank's Environmental and Social Framework (ESF), while also building upon The Gambia's existing legal and policy frameworks.

##### **Policy Statement**

- a. The Government will promote sustainable, inclusive, and climate-resilient urban development by strengthening land use planning and management frameworks; implementing compact and transit-oriented growth strategies; developing integrated waste and water management systems; promoting energy-efficient infrastructure; and improving public transport. These actions aim to reduce environmental degradation and displacement risks, while enhancing urban adaptive capacity.
- b. The Government will adopt and implement a National Resettlement and Compensation Policy Framework, aligned with international standards, to guide all displacement-related planning decisions.

## Strategic Actions

1. Strengthen land use planning frameworks by developing and enforcing national, regional, and local land use plans aligned with climate resilience and sustainable development goals.
2. Introduce climate resilience and adaptation measures by developing National Adaptation Plans (NAPs) for urban and coastal areas.
3. Promote sustainable urban development by encouraging compact, mixed-use, and transit-oriented urban growth to reduce urban sprawl and carbon emissions.
4. Implement integrated waste management and pollution control systems, including initiatives for recycling, composting, and waste-to-energy conversion.
5. Promote energy efficiency and renewable energy through updated building codes, investment in green infrastructure, and retrofitting programmes for existing structures.
6. Improve urban water resource management to ensure access to clean, reliable, and sustainable water supplies for all residents.
7. Develop efficient, affordable, and environmentally friendly public transportation systems to reduce dependence on private vehicles.
8. Promote the development of national sewage and drainage systems to prevent erosion, flooding, and groundwater pollution.
9. Adopt and operationalise the National Resettlement and Compensation Policy Framework through multi-stakeholder consultations and Cabinet endorsement.
10. Integrate displacement prevention and resettlement management frameworks into land use planning to ensure that future urban growth does not exacerbate vulnerability or environmental degradation.

### 4.7.5 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** (see Sections 4.6 and 4.7.1 for detailed guiding principles and the planning system framework).

This plan will **map and register** State lands, customary lands, Areas for Tourism, Heritage Sites, Nature Conservation Areas, and other state-related land parcels, such as those acquired for development projects. Under the **NCAC Act, 2003 (Section 26)**, Gambian heritage sites are protected from illegal excavations and safeguarded for heritage and cultural use, including sacred sites, groves, and forests.

The purpose of this plan is to establish a reliable reference framework and provide accessible public information. The Gambia is committed to adhering to internationally recognised principles, procedures, and standards when acquiring land for projects that may result in economic or physical displacement.

A **National Resettlement Policy Framework (RPF)** will be developed, drawing from The Gambia's existing legal and policy frameworks, while incorporating any additional measures needed to ensure consistency with international standards. The RPF will serve to avoid or minimise adverse impacts from physical or economic displacement and to ensure that appropriate mitigation measures are in place where impacts are unavoidable.

## Policy Statement

The Government will employ environmental assessments, audits, and digital land management tools including land information systems, cadastral mapping, and public feedback mechanisms to guide sustainable land use decisions, monitor development impacts, and ensure transparency and accountability in land governance.

## Strategic Actions

To ensure that **environmental assessment and audit** are effectively used as land management tools, the Government will undertake the following actions:

1. **Develop a Central Land Information System** to manage all land use and land administration processes, including the **cadastral mapping** of all land within national territory, supported by digital recording systems.
2. **Establish public feedback mechanisms** and implement **adaptive policies** that include robust systems for **monitoring, enforcement, and transparency**.
3. **Build capacity and deliver training** for personnel involved in land governance, promote public awareness, and **integrate modern technologies** into land management practices.
4. **Register all land** with appropriate land use designations and ensure **physical boundary demarcations** are clearly defined.
5. **Disseminate digitised land information** to the public via an **official website**, ensuring accessibility and openness.
6. Conduct Heritage Impact Assessment (HIA) alongside EIA for projects in or near heritage sites, archaeological areas, or sacred groves, pursuant to NCAC Act s.26.

### 4.7.6 Integrating Rivers, Lakes, and Wetlands into Land Management

#### 4.7.6.1 River Gambia Corridor Development and Protection

##### The River Gambia Corridor: Policy Statement and Strategic Actions

The River Gambia is the country's most prominent natural feature, traversing the national territory and supporting a range of vital sectors including agriculture, fisheries, transport, tourism, heritage, and biodiversity. Despite its central role in national life, there is currently no integrated framework to guide land use, development, and conservation along the river corridor.

This lack of coordination has resulted in unplanned settlements, uncontrolled sand mining, pollution, weak enforcement of buffer zones, and the absence of a river-focused spatial plan. These issues have led to environmental degradation, increased vulnerability to flooding, and the loss of economic opportunities. The absence of a dedicated strategy for the river corridor undermines sustainable development and efforts to build climate resilience in The Gambia.

## Policy Statement

The Government will adopt a dedicated and integrated approach to the land use planning, development, and protection of the River Gambia corridor. The river shall be recognised as a strategic national asset and development corridor, with clearly defined land use rules, environmental safeguards, and investment frameworks that promote sustainability, resilience, and equitable access to river-based resources.



## **Strategic Actions**

1. Prepare and adopt a River Gambia Development Master Plan, incorporating land use, climate resilience, livelihoods, and ecological priorities.
2. Demarcate and enforce riparian buffer zones and floodplain reserves, while allowing for community-managed access points for fishing and local use.
3. Establish a River Corridor Planning and Management Committee with representation from relevant ministries, local governments, and riverine communities.
4. Promote aquaculture and sustainable fishing by designating and regulating aquaculture investment zones that benefit local producers and cooperatives.
5. Encourage water-based recreation and eco-tourism, including community-run water sports, birdwatching, and river safaris, in collaboration with tourism stakeholders.
6. Enhance wildlife and biodiversity protection through improved land use controls around River Gambia National Park and other protected areas, including eco-buffer zones.
7. Support local enterprise development along the river, such as eco-lodges, craft markets, cultural heritage sites, and agricultural value chains.
8. Integrate conservation with development, ensuring that land allocated for investment includes environmental and social safeguards.
9. Develop public-private partnerships for river transport, aquaculture, and tourism, with benefit-sharing models for local communities.
10. Mobilise financial and technical assistance from climate and biodiversity funds to implement pro-poor river corridor projects.

### **4.7.6.2 Coastal Zones, Wetlands, Streams, Lakes, and Islands**

Beyond the River Gambia, The Gambia is home to valuable wetlands, streams, islands, lakes, and coastal zones that provide critical ecosystem services, support biodiversity, buffer climate shocks, and sustain rural livelihoods. However, these areas face increasing pressures from land reclamation, uncontrolled development, pollution, and unregulated use. The absence of clear zoning, weak institutional coordination, and informal occupation further threaten the sustainability of these sensitive landscapes.

## **Policy Statement**

The Government will safeguard coastal zones, wetlands, streams, lakes, and islands through an integrated land use planning and environmental management approach. These areas shall be designated as special planning zones with clear development guidelines that balance conservation with livelihood support and climate resilience.

## **Strategic Actions**

1. Identify and map all wetlands, lakes, streams, aquifers, and islands, integrating them into national spatial plans and local development schemes.
2. Integrate groundwater protection into national and local land use plans.
3. Gazette protected wetlands and lake buffer zones under national planning and environmental laws.
4. Restrict land reclamation, dredging, and construction in ecologically sensitive aquatic zones.
5. Designate coastal and island areas for sustainable tourism, fisheries, and cultural heritage, ensuring benefit-sharing with local communities.

6. Promote wetland-compatible agriculture and aquaculture through nature-based solutions and climate-smart practices.
7. Coordinate with the Department of Parks and Wildlife to enhance conservation efforts, including transboundary wetland reserves and migratory bird habitats.
8. Incorporate mangrove restoration, coastal erosion control, and zoning regulations into planning and permitting procedures.
9. Engage local communities in the stewardship of wetlands and islands, offering incentives and technical support.

#### 4.7.7 Informal Settlements

##### Informal Settlements and Squatter Management

The condition that enables individuals to ‘squat’ on informal settlements stems primarily from the absence of secure land tenure and proper land-use planning. Squatters occupy public, community, and private land. As such, informal settlements pose a significant challenge to physical planning and land development.

##### Policy Statement

The Government will adopt measures to address informal or squatter settlements and, where necessary, provide for the resettlement of affected persons in accordance with physical planning and development control regulations.

##### Strategic Actions

To address the challenges caused by squatters and informal settlements, the Government will:

1. **Take an inventory** of squatters and residents living in informal settlements.
2. **Assess land suitability:** Determine whether the land occupied by squatters is suitable for human settlement, based on national guidelines. Where the land is deemed unsuitable, establish appropriate mechanisms for the removal of squatters and their resettlement.
3. **Recognise informal tenure:** Where informal tenure exists, the Government will acknowledge it in ways that respect formal legal rights under national law, reflect the on-the-ground realities, and promote social, economic, and environmental well-being.
4. **Promote supportive legislation:** Develop participatory, gender-sensitive policies and laws to recognise informal tenure, ensuring provision for technical and legal support to affected individuals and communities.
5. **Simplify procedures:** Take all appropriate measures to reduce the emergence of informal tenure resulting from overly complex legal and administrative processes related to land use and development.
6. **Streamline development processes:** Ensure that development requirements and procedures are clear, simple, and affordable to reduce the burden of compliance.
7. **Facilitate land-use planning** for areas identified as suitable for human settlement.
8. **Ensure sustainable development** of land under informal settlement in an orderly and environmentally sound manner.
9. **Formalise and register** squatter settlements located on public or community land for purposes of upgrading or resettlement.
10. **Develop a slum upgrading and resettlement programme**, in consultation with affected communities, based on flexible tenure systems.



11. **Prevent further informal development** on private land and open spaces through appropriate policy measures.
12. **Regulate informal commercial activity:** Facilitate such activity in a planned and orderly manner, and prohibit the sale or transfer of land allocated to squatters and informal settlers.
13. **Establish eviction guidelines:** Develop appropriate guidelines for eviction that conform to court procedures and legal provisions.
14. **Prevent unlawful evictions:** Where legal recognition of informal tenure is not feasible, the Government will take steps to prevent forced evictions that contravene national and international legal obligations.
15. **Provide compensation and support:** Ensure that all informal-settlement households and small businesses displaced by upgrading or resettlement receive cash or in-kind compensation for verified losses of assets and income at replacement value. This will be accompanied by livelihood-restoration support in accordance with the proposed National Resettlement and Compensation Policy Framework.

#### 4.7.8 Disaster Management

##### Disaster Management and Land-Related Risks

The country occasionally experiences natural disasters that must be effectively managed to prevent the loss of human and animal life, mitigate negative impacts on agriculture and the natural environment, and reduce the destruction of property. Such disasters include floods, droughts, and fire outbreaks.

The policy and institutional frameworks for the prevention and management of land-related disasters need to be strengthened. Furthermore, there is a lack of appropriate technologies and financial resources to adequately address these challenges.

##### Policy Statement

The government will adopt comprehensive measures to address land-related disasters.

##### Strategic Actions

The Government will:

1. Rationalise the legal, policy, and institutional frameworks for the prevention and management of land-related disasters.
2. Strengthen legal and administrative frameworks for resettlement in the event of natural disasters.
3. Develop regulatory frameworks for land tenure, including spatial planning, to avoid or minimise the potential impacts of natural disasters.
4. Ensure that all actions are consistent with existing obligations under national and international law, and are aligned with voluntary commitments under relevant regional and international instruments.
5. Act in accordance with relevant international principles, including, where 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*.

6. Integrate legitimate tenure rights into disaster prevention and preparedness programmes. Systems for recording such rights should be resilient to natural disasters, including provision for off-site storage of records, enabling right holders to prove their rights and identify their parcels or other spatial units.
7. Recognise, respect, and protect the legitimate tenure rights of displaced persons. Relevant information on tenure rights and unauthorised use should be disseminated to all affected individuals.
8. Ensure that during the reconstruction phase, temporarily displaced persons are assisted in returning voluntarily, safely, and with dignity to their places of origin.
9. Provide mechanisms to resolve disputes over tenure rights. Where the boundaries of parcels or other spatial units are to be re-established, this should be done in line with principles of consultation and participation.
10. Where return to places of origin is not possible, displaced individuals should be permanently resettled elsewhere. Such resettlement must be negotiated with host communities to ensure secure access to alternative livelihoods for displaced persons, without compromising the rights and livelihoods of others.

#### **4.7.9 Cross Border Land Use Coordination**

##### **Policy Statement**

The government will collaborate with neighbouring states and regional bodies to establish clearly demarcated buffer zones along international borders. These zones shall be regulated to prevent encroachment, preserve shared ecosystems, and maintain clear jurisdiction through the installation of geo-referenced pegs and permanent boundary markers.

##### **Strategic Actions**

1. Establish and demarcate buffer zones along international borders using geo-referenced pegs.
2. Align national land use planning frameworks with regional and international instruments, such as ECOWAS, the AU Land Policy Guidelines, VGGT, CFS-RAI, and SDG 5.a.2.
3. Develop cross-border land coordination mechanisms with neighbouring countries to jointly manage shared ecosystems, infrastructure corridors, and migration-related pressures.
4. Develop joint border spatial plans, particularly for river basins, shared forests, and towns that straddle borders.
5. Conduct joint environmental and social assessments for transboundary projects, such as roads and energy corridors.
6. Map customary cross-border land rights (especially where ethnic or kinship groups span borders), and work with communities and neighbouring governments to document and respect these customary rights while promoting peaceful co-existence.

# Chapter 5

## LAND LEGAL FRAMEWORK

### 5.1 Introduction

#### Land Tenure and Legal Framework in The Gambia

Based on the tripartite land tenure system practised in The Gambia, land is defined under Section 2 of the **State Lands Act, 1991** as:

*"any land in The Gambia and includes lagoons, creeks, rivers, estuaries within the territory of The Gambia."*

This definition includes all **State Land** (Banjul and Kanifing Municipal Council) and **Designated State Land** (Kombo North, Kombo South, and Kombo Central), as well as all **customary lands** not yet registered or formally recorded to communities. These lands 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 authority to designate any land as State Land, with the exception of land held in **Fee Simple Absolute** (Freehold Land). In the exercise of these powers, the Minister of Lands 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
- Insecure tenure due to the absence of a formal title registration system
- Poor land mapping and inadequate land information systems
- Unclear and conflicting customary tenure rules
- Overlapping statutory and customary jurisdictions
- Weak land administration frameworks
- Bureaucratic complexities in land transactions
- Prolonged land disputes
- Gender-based discrimination in land ownership
- Inadequate protection against land grabbing
- An ambiguous administrative structure

These factors collectively 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 are discussed in detail in this chapter:

1. Legal Framework on Land Tenure
2. Legal Framework on Land Use, Planning, and Management
3. Legal Framework on Surveys, Land Valuation, and Taxation

The land ownership system in The Gambia comprises three main types of land holdings:

- **Freehold (Estate in Fee Simple)**
- **Leasehold**
- **Customary Tenure**

## **5.2 Legal Framework on Land Tenure**

### **Legal Frameworks Related to Land Tenure in The Gambia**

The following are the key legal frameworks governing land tenure in The Gambia:

1. **The Constitution of The Gambia, 1997**
2. **State Lands Act, 1991** – Cap. 57:02, Volume 8, Revised Laws of The Gambia, 2009
3. **Conveyancing and Law of Property Act, 1881**
4. **Land Acquisition and Compensation Act, 1991** – Cap. 57:06, Volume 8, Revised Laws of The Gambia
5. **Lands (Regions) Act** – Cap. 57:03
6. **Lands Commission Act** – Cap. 57:07
7. **Local Government Act, 2002**
8. **Land (Registration of Deeds) Act**

#### **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. This provision guarantees protection against the compulsory acquisition of property, except under specific conditions. It underscores the importance of land as a valuable asset, ensuring that individuals and communities retain secure ownership and control over their land—an essential factor for economic security, investment, and development.

The legal framework governing land tenure is outlined in the Constitution, the State Lands Act, and the Lands (Regions) Act. These laws set out broad principles regarding land ownership, use, registration, valuation, taxation, administration, and management. However, following the approval of the new land policy, all existing laws will be reviewed and revised to give effect to the policy's objectives.

In instances where the State exercises its power of compulsory acquisition, the Constitution requires that such action must be justified in the public interest—whether for defence, public safety, planning, or development—and that affected parties must be compensated at replacement value. This is to prevent undue hardship. This constitutional safeguard reflects the

necessary balance between private land rights and the public interest, and highlights the importance of transparent, fair, and legally sound land governance.

Therefore, an effective National Land Policy must integrate these constitutional principles while addressing issues of land security, equitable access, and sustainable development. Such a policy ensures 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**

### **Introduction**

This Act introduced a unitary title system in designated areas and made provisions 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 grants the Minister responsible for the administration of the Act the power to designate any regional land for the purposes of the Act. Where such a designation occurs:

“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” was 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.”

### **Observations**

#### **1. Overarching Authority of the State**

The combined effect of Section 5 of the State Lands Act and Section 4 of the Lands (Regions) Act suggests that the legislature intended to vest the State with overarching authority over all lands in The Gambia, excluding freehold land. This includes regional lands, which are to be administered by the State for the direct or indirect benefit of the communities in which 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. As a result, the authority of District Authorities over regional land remains subordinate to the powers vested in the Minister under the State Lands Act.

## **2. Status of Deemed Lessees**

Section 7 of the State Lands Act designates individuals holding customary land within 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, with holders expected to formalise their ownership by applying for a lease through the Ministry of Lands (Form 7).

## **3. Lack of Implementation under Section 7(5)**

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. Furthermore, there are no records of title deed applications at the Ministry of Lands, suggesting that most deemed lessees are either unaware of the process or discouraged by bureaucratic barriers. Consequently, a significant portion of the population continues to hold land with uncertain tenure, lacking the security that a formal lease title would provide.

## **4. Failure to Fix and Collect Rent**

Section 7 requires the Minister to fix a rent for deemed lessees until they formalise their title. However, in practice, this provision has not been enforced. There is no evidence of rent being fixed or collected. This failure contributes to further uncertainty, as deemed lessees remain in legal and financial limbo, weakening the State's land administration framework.

## **5. Legal Gap in Title Transfers**

The State Lands Act lacks specific provisions governing the transfer or assignment of title by deemed lessees, creating a legal gap. Despite the shift in authority from District Authorities to the Minister of Lands, land transactions continue to use Alkalo and Local Area Council Transfers. This is problematic, as deemed lessees hold land from the State, not under customary tenure.

## **6. Regulatory Uncertainty and Lack of Registry**

Without a clear regulatory framework, deemed lessees remain uncertain about their rights. 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 demands urgent reform. Deemed lessees should be required to seek Ministerial approval for any transfer, ensuring compliance with the State Lands Act. Establishing a registry for deemed leases and introducing clear regulations for transfers would enhance transparency, legal security, and administrative efficiency.

## **7. Unregistered Customary Land**

Leased regional lands are 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 makes the land vulnerable to multiple sales, disputes, and fraud, as there is no centralised system to verify ownership or track

transfers. Determining the status of such land is challenging and creates legal risks for buyers and communities.

#### **8. Lack of Verification Mechanism**

There is currently no mechanism in place to independently ascertain the status of land ownership in the regions. There is no register of titleholders, owners, or transferees of land in the regions—other than leased regional lands.

#### **9. Minister's Obligation to Fix Rent**

The Minister is required to fix rent to be paid by deemed lessees pending the perfection of their title. This provision has not been operationalised.

### **Government Commitment**

The Government of The Gambia is committed to ensuring a transparent and secure land tenure system that aligns with statutory provisions and promotes efficient land administration.

### **Policy Statements**

- a. The Government will establish a unitary title system to streamline land registration processes, reduce tenure insecurity and disputes, enhance public awareness, and improve administrative efficiency.
- b. The Minister responsible for lands will take over the administration of designated lands, as provided under the State Lands Act, and administer them for the benefit of their respective communities.
- c. The Government will clearly define the role of District Tribunals to ensure impartiality, fairness, and compliance with State Land regulations.
- d. The power conferred on the Minister to declare any part of The Gambia as State Land will be exercised within constitutional limits and in a manner that safeguards pre-existing land rights of communities and individuals.

### **Strategic Actions**

To achieve these goals, the Government will:

1. Establish a comprehensive land registry for deemed lessees to record and track land ownership and transactions in compliance with the State Lands Act.
2. Issue an official order under Section 7(5) of the State Lands Act, notifying deemed lessees to apply for formal lease titles.
3. Develop clear provisions for the transfer and assignment of deemed leases to eliminate ambiguity and align with legal requirements.
4. Enforce the payment of rent by deemed lessees as required under Section 7 and create mechanisms to facilitate collection until formal titles are issued.
5. Establish a centralised system to verify ownership and track transfers of customary tenure lands.
6. Decentralise the registration of all deemed lessees to improve transparency, legal certainty, and administrative effectiveness.
7. Launch a nationwide awareness campaign to educate deemed lessees on their rights, obligations, and the lease application process.

8. Ensure official recognition and protection of ownership rights under customary land registration.
9. Develop legal guidelines requiring all property holders in designated State Land to regularise their status; any Alkalo certificate will be deemed invalid.
10. Amend the State Lands Act to vest all administrative functions in designated lands to the Department of Lands and Surveys or other relevant institutions.
11. Develop clear guidelines, principles, and protocols for the declaration of State Land. Pre-existing rights of bona fide customary owners must not be displaced without due process and adequate compensation in line with the Constitution.
12. Ensure the power of the Minister to designate State Land is exercised transparently, with public interest as the guiding principle. A participatory and well-defined process, including expert and stakeholder consultations (e.g., environmental, cultural, and historical considerations), should be established to avoid arbitrary use of power.

### 5.2.3 The Conveyancing and Law of Property Act 1881

The **Conveyancing and Law of Property Act 1881** is applicable in 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 **31st December 1953**.

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

#### Land Acquisition and Compensation Act – Overview and Policy Framework

##### *Overview of the Act*

1. The **Land Acquisition and Compensation Act** is legislation that provides for the acquisition of land for public purposes. The long title of the Act reads: *"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 Act commenced on **27th December 1991**, becoming effective on the same date that the **State Lands Act** came into effect.
3. It repealed **Sections 24 to 28** of the **Lands (Regions) Act**.
4. **Section 3** of the Act states that land acquired under its provisions shall be designated as **State Land** and administered under the **State Lands Act**: *"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."*
5. **Section 4** gives the **Minister** the authority to acquire land for public purposes and to determine compensation or consideration in accordance with the provisions of the Act.

##### *Computation of Compensation (Section 11)*

1. Where land is acquired under the Act, compensation shall be payable in addition to the value of any improvements or works on the land:
  - (a) For loss of **usufructuary rights** in the case of **customary tenure**; and
  - (b) For the **value of the land** in the case of **freehold tenure**.
2. In determining compensation for any land or interest therein, the Department shall:
  - (a) Assess the land based on its value at the time of service of the **notice to acquire** and exclude any improvements made thereafter.



3. The Department may engage the **Government Valuation Officer** or any other qualified valuer to estimate the compensation.
4. If the **Arbitral Tribunal** or **High Court**, as provided under **Section 10**, disagrees with the Department's estimate, it may determine its own compensation, provided it adheres to the criteria outlined in subsection (1).
5. Under **Section 12**, when the Department has taken possession of land pursuant to **Section 9**, it must pay compensation to the owner or occupant for **loss of rent and profits** for the period between taking possession and the payment of compensation, or until the amount is deposited in court.

## Observations

The Act does **not** provide for compensation to **informal settlers**. While **Section 23** empowers the Minister to make regulations for effective implementation of the Act, no such regulations have been enacted. Furthermore, the Act lacks provisions regarding **timeframes for resettlement** or protection of vulnerable groups such as **squatters, displaced persons, or victims of forced evictions**, even where **court orders** have been issued.

## Policy Statements

- a. The government will recognise, protect, and compensate individuals with formal legal rights, as well as informal settlers and customary land users who have occupied land for over 12 years without paying rent.
- b. The government will amend the Land Acquisition and Compensation Act to include provisions for informal settlers prior to eviction and for involuntary resettlement.
- c. The State Lands Act and Lands (Regions) Act will be amended to formalise the acquisition and conversion of land designated for public benefit.
- d. The government will declare, acquire, and compensate customary land for public purposes, as provided in Section 22 of the Constitution.

## Strategic Actions

1. Legally recognise **informal and customary land rights**, ensuring compensation even for those without formal titles.
2. Implement **guidelines to prevent forced evictions** and ensure compensation at **replacement value** before displacement.
3. Create **accessible legal mechanisms** for grievances related to unfair land acquisition.
4. Amend the Act to promote **social justice**, reduce land conflicts, and support **sustainable development**.
5. Ensure compensation includes loss of **value, rent, and livelihood**, particularly for **women, youth, persons with disabilities (PWDs)**, and other vulnerable groups.
6. Guarantee that compensation is **paid before displacement**.
7. Provide compensation at replacement cost to informal settlers present prior to a **well-publicised cut-off date**, and offer assistance to restore **livelihoods**.
8. Conduct **stakeholder consultations** and **careful planning** before any resettlement.
9. Perform **social impact assessments** to identify affected persons and develop **site-specific resettlement plans**.
10. Ensure **protected areas** do not restrict access to resources critical to community livelihoods.
11. Address **cumbersome legal processes** that hinder poor and marginalised groups from seeking redress.

12. Regulate **land disputes**, compensation delays, and prevent **land grabbing** by powerful entities.
13. Compensate **resource-dependent communities** restricted by conservation laws.
14. Implement **livelihood restoration** programmes where physical or economic displacement occurs.
15. Ensure all affected persons are treated **fairly, compensated adequately**, and that impacts are **minimised**.
16. Prevent conversion of **customary land** for **private purposes** and conduct **research** on related issues.
17. Strengthen **legal protections** for all tenure types and human settlements.

## Compulsory Acquisition Framework

Compulsory acquisition refers to the **State's power** to acquire or extinguish rights in land for a **public purpose**. This power is provided for in the **Constitution of The Gambia (Section 22(3), 1997)** and is subject to the **payment of compensation** and **access to justice** in case of dispute.

## Policy Commitments on Compulsory Acquisition

The Government will:

1. Identify and acquire land for **public purposes** (e.g., parks, hospitals, schools, police stations), ensuring **compensation at replacement value**.
2. Align all actions with **national and international legal obligations**, including voluntary commitments under applicable regional instruments.
3. Respect **legitimate tenure rights**, especially those of vulnerable groups, and minimise land acquisition.
4. Ensure the **expropriation process is transparent and participatory**, providing information on **alternative options** to meet public purposes.
5. Be sensitive to **cultural, religious, or environmental significance**, and avoid harming lands essential to the **livelihoods of vulnerable populations**.
6. Ensure **fair valuation, prompt compensation**, and **transparent processes**, including **appeals mechanisms**.
7. Build capacity among **implementing agencies** (human, financial, and technical resources).
8. Where **evictions** are necessary, carry them out in a manner that **respects, protects, and fulfils human rights**.

## Strategic Actions for Compulsory Acquisition

1. Exercise the power of compulsory acquisition **uniformly** and in accordance with **constitutional provisions** and **national development goals**.
2. Develop a **uniform valuation method**, including prior notice, consultation, **prompt compensation**, and access to **legal redress**.
3. Limit compulsory acquisition to **developmental purposes** (e.g., resettlement, physical planning).
4. Ensure that delegated agencies comply strictly with legal and procedural standards, aligning with **international best practices**.
5. Establish **regulations and guidelines** outlining:
  - Conditions for compulsory acquisition
  - Prior notice and consultation processes

- Defined roles and responsibilities of government agencies
- 6. Provide **alternative housing or resettlement** options that meet **international standards** for affected persons.

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

1. 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.*"

2. The said Act came into force on 1st January 1946. It was originally called the *Lands (Provinces) Act*.

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."*

#### Observations

3. 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 land under customary tenure, they are still granted official documents over customary land. These are endorsed by various authorities, including *Alkalolu*, *Chiefs/Seyfolu*, 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.

4. It is unclear whether lands in the Regions are being monitored to ensure compliance with the *Lands (Regions) Act*. Furthermore, with the coming into force of the *State Lands Act* and the power of District Authorities to deal with land being vested in the State, there exists a significant gap that does not appear to be acknowledged. The State seemingly allows District Authorities to continue administering land in the Regions, despite the fact that the *State Lands Act* has conferred such powers upon the State.

5. There is an urgent need for a comprehensive review of the *State Lands Act* to align it with the current realities of land administration and practice. The process of title acquisition remains cumbersome, bureaucratic, and inefficient. The requirement for the Minister to personally approve every assignment, mortgage, lease, or alienation of an interest in property is untenable. This process must be revisited, and clear guidelines must be developed to govern the exercise of powers under the Act.

The Government of The Gambia remains committed to ensuring a transparent and legally compliant land administration system that upholds statutory provisions and eliminates inconsistencies in land tenure practices.

## Policy Statements

- a. The Government will take decisive steps to regularise land transactions involving non-indigenes by ensuring that they acquire title deeds in the form of leases, rather than through customary tenure.
- b. The Government will strengthen oversight and monitoring mechanisms to ensure compliance with both the *Lands (Regions) Act* and the *State Lands Act*, clarifying the role of District Authorities in land administration.
- c. The State will exercise the power of public regulation of land use strictly in the interest of environmental sustainability, socio-economic welfare, and national development.

## Strategic Actions

1. Enforce clear legal guidelines mandating that non-indigenes acquire land through leases rather than customary tenure.
2. Undertake a nationwide review of existing land documents issued to non-indigenes and regularise ownership in line with statutory requirements.
3. Collaborate with local authorities—including *Alkalolu*, *Chiefs/Seyfolu*, the Physical Planning Authority, and Local Area Councils—to align land transactions with legal provisions and eliminate unauthorised customary transfers.
4. Strengthen monitoring mechanisms to ensure full compliance with the *Lands (Regions) Act* and the *State Lands Act*.
5. Clarify and reinforce the role of the State in land administration, ensuring that District Authorities operate within the legal framework and do not exercise powers vested in the State.

## Customary Land Tenure

Customary land tenure remains a complex and often poorly defined system. Rights in land held under customary law are rarely documented, except where the grant falls under the *State Lands Act* (Cap. 57:02) or the *Lands (Regions) Act* (Cap. 57:03). This lack of documentary evidence not only leads to tenure insecurity but also impedes development by hindering the easy transfer of land rights.

Customary land rights, being trans-generational, are protected by rules of allocation and transmission designed to keep land resources within communities, lineages, and families.

### Policy Statement

Customary tenure shall be strengthened to facilitate and promote its orderly evolution into a modern, productive land tenure system.

### Strategic Actions

The Government will take measures to:

1. Facilitate the statutory recognition of customary land tenure by documenting fundamental customary land tenure rules applicable to various communities, thereby

eliminating customs that are repugnant to the Constitution and international human rights standards.

2. Design and implement a land registry system to record all land rights and transactions under customary law.
3. Develop and implement comprehensive plans for the registration of land rights under customary tenure, particularly after the introduction of a new system of title registration.

## **Customary Land Governance Reforms**

Customary land institutions retain their traditional power and social responsibility to allocate land use rights, resolve conflicts, and manage land under customary systems. Therefore, effective implementation of the National Land Policy (NLP) requires a clear definition of the roles of these institutions, including the establishment of performance metrics to assess the efficiency, equity, and transparency of land governance.

### **Policy Statement**

To facilitate the orderly evolution of customary land governance procedures, the Government—through community consultation—will develop and mainstream customary land governance guidelines and administrative procedures that ensure:

1. Transparency and access to information as key components of good governance in customary land administration.
2. Statutory land institutions provide guidelines to regulate the roles, duties, and obligations of customary land governance bodies in accordance with the National Land Policy and principles of good land stewardship.

### **Strategic Actions**

The Government will:

1. Develop policies, guidelines, assessment tools, and institutional frameworks for the regulation and streamlining of customary land governance processes.
2. Establish a regulatory framework to ensure greater accountability within customary tenure institutions.
3. Promote indigenous knowledge and build the capacity of customary institutions to enhance land governance.
4. Provide communities with tools to hold *Chiefs*, as trustees and managers of customary lands, accountable for their decisions.
5. Ensure that all customary land transactions are conducted transparently, efficiently, and in alignment with public policy goals.
6. Allocate tenure rights through participatory, equitable, and transparent procedures, with accessible information disseminated in local languages, including gender-sensitive messaging.
7. Require that all customary tenure rights, whether existing or newly allocated, are recorded within a single or harmonised system of land records. The Government and non-state actors must work to eliminate corruption in tenure allocations.
8. Ensure that all competent bodies responsible for customary land governance are adequately resourced—humanly, financially, and institutionally. Delegated entities must be trained and supported to effectively manage their responsibilities.

9. Publicise policies, procedures, and tools that support the regulation and delegation of customary land governance.
10. Monitor and evaluate the impact of customary land governance reforms, particularly their gender-related effects, and their influence on land access, food security, poverty alleviation, and environmental sustainability—introducing corrective measures where necessary.

### **5.2.6 Lands Commission Act**

#### **The Land 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 passed in 2007, establishing a Land Commission with the mandate to:

- Advise on land administration policy,
- Investigate land disputes and assess land rent and premiums,
- Monitor the registration of properties, and
- Inspect property registers.

Although members were appointed, the Commission has remained dormant.

#### **Policy Statement**

The Land Commission Act will be amended to strengthen the authority and functionality of the Commission.

#### **Strategic Actions**

1. The Act should be amended to provide the Commission with greater independence and autonomy to effectively discharge its mandate.
2. The Commission should be empowered to make final decisions on matters it has presided over.
3. The Commission should be revived, as its wide mandate is essential for the ongoing monitoring and resolution of land-related issues.
4. The Commission's mandate, rules, and regulations should be institutionalised, ensuring it functions on a continuous basis rather than convening sporadically.

### **5.2.7 Local Government Act 2002**

#### **Legal Framework for Decentralisation**

The Act provides the legal framework for decentralisation, establishes local authorities—such as city, municipal, and area councils—and assigns them the powers to manage local development, service delivery, and governance.

## Policy Statement

The Government will strengthen the roles of local authorities in land administration and development control, in accordance with the provisions of the Act.

## Strategic Action

Local councils will be empowered with a clear mandate, adequate resources, and the necessary technical capacity.

### 5.2.8 Land (Registration of Deeds) Act

#### Land Documentation and Registration in The Gambia

In The Gambia, the **Land (Registration of Deeds) Act** is the primary legal framework governing the registration of deeds, including land-related documents. Despite this single legal framework, there are **three common means of land documentation** in practice:

##### 1. Alkalo Land Transfer

Issued by the **Alkalo** (village head) of a village, this document evidences the transfer of land ownership from one individual to another. It often serves as the basis for property registration and the payment of property rates to Area Councils, Municipal Councils, and City Councils. However, there is currently no legal framework regulating this process; hence, it does not constitute formal registration or confer legal title.

##### 2. Area Council Transfer

Issued by Area or Municipal Councils, this document also evidences the transfer of land ownership. It serves a similar purpose in terms of registration and payment of rates. While there is no national legal framework governing this documentation, some councils maintain an internal system for issuing land transfer documents, each with unique serial numbers.

##### 3. Deeds Registry

The **Deeds Registry**, located within the Ministry of Justice, is responsible for registering all deeds, including land transactions. The governing legal framework is the **Land (Registration of Deeds) Act, Cap. 57:01, Volume 8, Revised Laws of The Gambia, 2009**.

This Act provides for the public registration of deeds, conveyances, wills, contracts, and other instruments affecting land in The Gambia. It established a Registry Office in Banjul, which holds responsibility for registering these documents.

#### Land Tenure in The Gambia

The Gambia operates a **tripartite land tenure system**:

- **Freehold:** The only category that includes title ownership.
- **Leasehold:** Common in both Kombo and the provinces, offering possession rights.
- **Deemed Lease:** Grants possession but not legal title.



A key issue to be addressed by this policy is the **clarification of sovereign title** to land in The Gambia. This will require amendments to the **State Lands Act** and **Regional Lands Acts** following the adoption of this policy.

### Policy Statements

1. The Government will establish a legal framework to standardise and regulate the **Alkalo Land Transfer** process to enable formal registration and confer legal title.
2. The Government will review and update the **Land (Registration of Deeds) Act** to reflect modern practices, including the **digitalisation of land records** for easier access to vital information and improved search capabilities.
3. The Government will **decentralise the Deeds Registry** to all regions of the country.
4. Upon adoption of this policy, the **sovereign title to Government/State lands and public lands** shall be vested as determined by the Cabinet, as follows:
  - Government/State lands shall be held in trust by the **Minister responsible for lands**.
  - Community lands shall be held in trust:
    - Either for **The Gambian community as a whole**, or
    - For the **specific community** that originally owned the land, as prescribed by relevant Acts or other applicable laws.

### Strategic Actions

- Ensure the **formal registration** and issuance of land titles to improve security of tenure and legal certainty.
- Strengthen the **Land (Registration of Deeds) Act** to incorporate digital technology.
- **Decentralise** the Deeds Registry to ensure access at regional levels.
- **Digitise** the Deeds Registry System and link it with the **Cadastral System** under the Directorate of Lands and Surveys.
- Establish a **title system for customary landowners** with allodial title over land outside of designated State land.
- **Amend the relevant Acts** to include provisions for vesting sovereign title to:
  - Government/State lands in the Minister responsible for land;
  - Community lands in trust for the respective communities;
  - Village Area Lands in the **Village Head or original owners**;
  - Family lands in the **family unit** as a legal entity.
- Ensure any conflicting Acts are either **amended or repealed** and replaced by a new comprehensive enactment.
- Include provisions in the new comprehensive land statute to **recognise customary tenure systems**.
- Enact a **comprehensive Land Act** that consolidates and incorporates all legal reforms.

## 5.3 Legal Framework on Land Use, Planning and Management

1. **The Gambia Tourism Board Act, 2011**
2. **Physical Planning and Development Control Act (PPDC)** – currently under review and amendment
3. **Forestry Act, 2018 (Laws of The Gambia)** – currently under review and amendment
4. **Biodiversity and Wildlife Act, 2003** – currently under review and amendment



5. **National Environment Management Act, 1994** – currently under review and amendment
6. **Mines and Quarries Act, 2005**
7. **Fisheries Act**

### 5.3.1 The Gambia Tourism Board Act 2011

#### The Gambia Tourism Board Act 2011 and the Tourism Development Area (TDA)

The **Gambia Tourism Board Act 2011** governs land located within the **Tourism Development Area (TDA)**. The **Tourism Development Master Plan** designates the following TDAs:

1. **TDA 1** – Coastal Area
2. **TDA 2** – Brikama Tourism Area
3. **TDA 3** – Western River Tourism Area
4. **TDA 4** – Jufureh Tourism Area
5. **TDA 5** – Banjul Tourism Area
6. **TDA 6** – North Coast Tourism Area
7. **TDA 7** – Kiang West National Park
8. **TDA 8** – Baobolong Wetland
9. **TDA 9** – Central River Region
10. **TDA 10** – Upper River Region/

#### 1. The Long Title of the Act

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 **8 August 2011**.

#### Observations

It is important to clearly establish the proper legal foundation for the Tourism Development Area (TDA). It appears that the Gambia Tourism Board is currently relying on a **lease dated 20 January 2015**, which purports to be for an **unlimited term**.

This presents multiple legal concerns:

- **A lease cannot be granted for an unlimited term under the law.**
- **Retroactive application** of leases is not legally valid.
- Pre-existing rights that pre-date the 2015 lease may be adversely affected or undermined.

Moreover, the **legal basis of the TDA is currently unclear and poorly structured**. There was a **previous lease**, which has **not been cancelled**. The status of this earlier lease should be

carefully examined and formally resolved. The basis of the TDA rests on **leases between the District Authorities and the State**.

The Gambia Tourism Board has also reported using the following **1970 leases**:

- **Kombo North (Serial Number: P18/1970)**, dated **27 October 1970**
- **Kombo South (Serial Number: P14/1970)**, dated **28 September 1970**

Both leases were granted for a duration of **ninety-nine years**, are **duly registered**, and remain legally valid.

Ever since the establishment of the Tourism Development Areas (TDAs) through leaseholds in 1970 (Kombo North – P18/1970, Kombo South – P14/1970, and North Bank), the spirit of administration has always been joint and multi-stakeholder. The model evolved through the Tourism Liaison Board, the Tourism Area Development Board chaired by the former National Tourist Office (NTO), and later the Tourism Technical Committee chaired by the former Gambia Tourism Authority (GTA), now the Gambia Tourism Board (GTB).

The TDA was deliberately recognized as a multi-stakeholder zone with diverse and sometimes competing interests: tourism investments, fish landing sites, forest parks, sacred groves and cultural heritage areas, agricultural lands, and biodiversity reserves. For this reason, the administrative spirit has consistently emphasized joint management to accommodate all stakeholder interests.

Within this arrangement, it has been generally understood that the Ministry of Tourism and its technical agencies (GTB, NCAC, etc.) should lead on tourism-related development and investment projects, while being supported by the Ministry of Local Government and Regional Administration's technical agencies (Physical Planning, Lands, etc.).

At the same time, all matters relating to subleasing of land in The Gambia fall under the statutory powers of the Minister of Lands and Regional Government, as vested by the State Lands Act (1991). The Act provides that:

“A sublease can be created by a lessee for a term lesser than the lessee holds, but all State grants may only be subleased with the consent of the lessor.” (State Lands Act, 1991).

Accordingly, all revocations and re-entries of leases in TDAs are executed by the Ministry of Lands before such land can be made available again for reallocation.

Thus, while GTB is sometimes described as an “external player” in land administration, in practice it plays a lead technical role within the tourism sector, operating in tandem with the Lands Ministry, which retains ultimate statutory authority over State Land, including land within the TDAs.

This duality in lease references—between the 1970 and 2015 leases—has further **blurred the legal and administrative lines** between the **State, the Tourism Board, and District Authorities**.

It is unclear whether a formal assessment of **existing land interests** within the TDA was conducted prior to the enactment of the 2011 Act. There is also evidence that a **lease may have**

been granted to the **Gambia Tourism Authority** before the establishment of the Gambia Tourism Board under the Act.

### Policy Statement

The Government shall ensure that the **legal foundation** of all existing and proposed TDAs and investment zones is:

- Clearly established
- Transparent
- Consistent with existing land laws

### Strategic Actions

1. Launch a **comprehensive legal audit** of all existing leases within the TDA to identify inconsistencies, overlaps, and potential legal conflicts between 1970 and 2015 leases.
2. Enact and enforce **laws and regulations** to ensure that future leases within the TDA comply with legal best practices—this includes setting clear lease durations and preventing retroactive application.
3. **Establish clear boundary demarcations** for the southern TDA to prevent further community encroachment.
4. Ensure that the **Minister of Lands** is consulted in all TDA land allocations particularly for demarcation and issuance of development permit.
5. **Align the Gambia Tourism Board Master Plan** with national land policy objectives.
6. **Review and update** the Gambia Tourism Board Act to ensure alignment with the **National Land Policy (NLP)**.
7. **Harmonise overlapping mandates** between government institutions operating within the TDA.
8. **Decentralise the discretionary powers** currently vested in the Minister of Tourism, Arts and Culture, to promote timely approvals and efficient documentation.
9. Undertake targeted legal audit before recommending decentralization of discretionary powers.
10. Carryout survey and regularization of pre-existing lawful rights.

## 5.3.2 Physical Planning and Development Control Act

### Physical Planning and Development Control

This Act provides for the systematic planning of all land through the creation of **local plans, development plans**, and a **national plan**, under which land may be zoned for various uses. The zones created include **Tourism Development Areas, industrial areas, residential and commercial areas**. The Act also makes provision for the control of land developments through a permit system, such as the issuing of **building permits**.

The **Planning Board**, established under **Section 4 of the Physical Planning and Development Control (PPDC) Act**, is entrusted with the primary responsibility of authorising and directing the preparation of the **national plan, local plans, and development plans** as specified in the schedule to the Act. The Board also advises the Minister on matters related to the administration

of the Act, particularly in formulating a general **physical development policy** for the country as a whole or for specific regions as required.

The **Planning Authority**, established under the PPDC Act, empowers and legalises the operations of Physical Planning officials.

## Observations

The **Department of Physical Planning (DPPH)** is not represented in the **Protected Area Settlement Committee**. The PPDC Act establishes **Planning Authorities (PAs)** for Banjul, the Kanifing Municipality, and each administrative region. These authorities are responsible for preparing **draft plans**, including the **national plan, regional plans, and development plans**.

As such, the DPPH is mandated to advise the **Department of Lands and Surveys** on lease applications and ensure that such applications conform to the draft local plan. Considering this mandate, the inclusion of DPPH in settlement-related committees may be essential.

## Policy Statements

The Government shall:

- a. Ensure effective implementation of the mandate of the Department of Physical Planning and Housing (DPPH) as stipulated in the Act.
- b. Exercise the power of public regulation of land use, strictly in the interest of environmental sustainability, socio-economic welfare, and national development.
- c. Ensure proper planning precedes any settlement or construction.
- d. Implement physical planning strategies that allocate roads, settlements, reserved areas, youth and women's spaces, and public services.
- e. Establish green spaces within communities.
- f. Designate specific **residential, industrial, and public zones** to guide land use.
- g. Use mapping and zoning to separate agricultural activities and prevent demolition without compensation.
- h. Conduct spatial planning to anticipate and mitigate future land use issues.
- i. Develop a master plan detailing all land titles and uses.
- j. Reserve land for public utilities and essential social services.
- k. Formulate a comprehensive **development and land use plan**.
- l. Implement **zoning, mapping, and digitalisation** strategies for land management.

## Strategic Actions

1. Build the capacity of all stakeholders involved in land administration and management effectively and efficiently.
2. Ensure the implementation of policy by equipping all regions with trained personnel and appropriate tools for land-related matters.
3. Strengthen the functions, roles, and resource capacity of physical planning offices and records management.
4. Enhance the skills of Physical Planning officers and other public servants, particularly in rural areas.
5. Provide capacity-building and orientation programmes for employees.
6. Strengthen the capacity of the **National Planning Board** and **Regional Planning Authorities**.

7. Ensure the inclusion of the DPPH in the **Protected Area Settlement Committee**.
8. Review existing legislation expressing the police powers of the State to align with the national land policy, constitutional guarantees, and international human rights obligations.
9. Prescribe guidelines for exercising police powers by the State and local councils to ensure consistent application among all stakeholders.
10. Ensure that the use of police powers by State agencies takes into account relevant policies and laws on land use, the environment, and natural resources.
11. Promote compliance with land use laws and regulations in both urban and rural areas through incentives and rewards, as well as sanctions and penalties.
12. Strengthen the **Physical Planning Act** to specifically prohibit the conversion of designated agricultural lands without stakeholder consultation and a review by the **National Land Commission**.

Develop a new **Agricultural Land Protection and Allocation Act** to legally recognise and regulate agricultural land use zones and associated tenure rights.

### 5.3.3 Forestry Act, 2018

#### Introduction

This Act repeals the Forest Act of 1998. It is enacted to provide for the maintenance and development of forest resources in The Gambia, with the aim of enhancing the contribution of forestry to the country's socio-economic development. Naturally, the Act contains important provisions that affect land administration and management, some of which are briefly discussed in this paper.

#### Definition of Forest

The Forest Act 2018 defines a forest as any land with at least ten percent tree cover, whether naturally grown or planted. Land with at least fifty percent tree regeneration cover is also considered forest by default—without the need for further declarations. This includes forest parks, community forest parks, and protected forests.

#### Powers of the Minister

Furthermore, the Minister responsible for Forestry—who also oversees the administration of the Biodiversity Act—has the authority to designate any land within a region as a forest park or reserved forest if it appears to the Minister that the forest growth on such land should be protected or preserved. It is important to note that certain lands in various regions are designated as State land.

#### Observations

The Reserve Settlement Committee, which is constituted by the Minister of Environment to declare any land as a forest park, currently does not include a representative from the Ministry of Lands and Regional Government.

#### Policy Statement

The Government will ensure that all decisions regarding the designation of land as forest parks are made through an inclusive and transparent process. To enhance coordination and uphold land governance principles, the Reserve Settlement Committee must include representation from the Ministry of Lands and Regional Government. This is essential to ensure alignment with national land management policies and to safeguard the rights of all stakeholders.

### **Strategic Actions**

- a. Strengthen the legal and regulatory framework governing the Reserve Settlement Committee by mandating the inclusion of a representative from the Ministry of Lands and Regional Government in all deliberations and decisions related to land designation as forest parks.
- b. Establish a formal mechanism for collaboration between the Ministry of Environment and the Ministry of Lands to ensure forest park designations align with land use planning and regional development objectives.
- c. Implement a structured consultation process that includes local communities, traditional authorities, and relevant government agencies before any land is declared a forest park.
- d. Conduct a comprehensive review of existing forestry and land legislation to eliminate gaps in governance, clarify jurisdictional roles, and improve transparency in land designation processes.
- e. Ensure that community forests and woodlots are protected in the interest of the communities that depend on them.

### **5.3.4 Biodiversity and Wildlife Act (BWA) 2003**

#### **Background**

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 to establish, maintain and administer protected natural areas and cultivated sites. It also seeks to ensure public participation in their conservation and sustainable use. Similar to the Forest Act, this legislation contains significant provisions that affect land management.

#### **Protected Area Designation**

The Biodiversity and Wildlife Act (BWA) grants the Minister the authority to declare any area a Protected Area. Once designated, a Protected Area may be classified as a national park, national reserve, fisheries protected area, local sanctuary, or cultural and heritage site, as defined by regulations made by the Minister.

#### **Observations**

However, the BWA makes no provision for consultation with the Ministry of Lands, which has powers under the State Lands Act to designate land as state land and to issue leases. The Minister appoints a Protected Area Settlement Committee, constituted by District authorities, including the Regional Governor, but no representative from the Ministry of Lands is included. This omission may be critical, especially where the proposed protected area overlaps with state land.

Additionally, cultural and heritage sites should be explicitly recognised and included within the framework of protected areas.

### **Policy Statements**

- a. The Government will ensure that the designation and management of protected areas are carried out through an integrated, multi-sectoral approach.
- b. The Government will ensure that no person is permitted to convert land designated for biodiversity, wildlife, and heritage purposes.

### **Strategic Actions**

1. To enhance coordination and legal consistency, the Ministry of Lands must be involved in decision-making processes related to protected areas, particularly where land designation is concerned. This will support sustainable land use planning, protect biodiversity, and ensure land tenure security.
2. Introduce regulations under the BWA requiring mandatory consultation with the Ministry of Lands in the establishment of protected areas, ensuring consistency with the State Lands Act.
3. Define the composition of the Protected Area Settlement Committee to include a representative from the Ministry of Lands. This will help ensure that land tenure and lease rights are properly considered during the designation of protected areas.
4. Review existing environmental and land legislation to align provisions concerning land designation, leasing, and conservation. This will help minimise legal conflicts and governance gaps.
5. Develop a structured consultation process involving the Ministry of Lands, local communities, and other key stakeholders before the final declaration of any protected area. This will ensure inclusivity and informed decision-making.
6. The Government will protect all land designated for biodiversity, wildlife, and heritage purposes from encroachment.
7. The Government will demarcate and identify boundaries of all designated lands (e.g., government and community reserved land) to prevent encroachment and unauthorised land conversions.

### **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 of the administration of the Act is the National Environment Management Council. The Council is the policy-making organ of the Agency and supervises its work. Among its principal functions is the responsibility to coordinate all policies, whether by government or the private sector, that 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 managing the environment and coordinating all related activities.



## **Environmental Planning**

1. One noteworthy part is Part IV, which deals with Environmental Planning. It makes provisions for planning at both the national and local levels. Section 20 requires the Agency to prepare an Action Plan in consultation with the public, which must be revised at least once every ten years or whenever necessary to accommodate new developments and emerging needs. The Action Plan must be approved by the National Assembly and, once approved, shall be a binding document.
2. At the local level, the Act provides that the units for environmental planning are the City of Banjul, the Kanifing Municipality, and each Region. The Environment Committee for each of these units shall prepare a local environment plan that conforms with the Action Plan and is coordinated with plans prepared under the Physical Planning and Development Control Act.

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

1. The Act also provides for conducting Environmental Impact Assessments (EIA) for specified projects listed in the schedule to the Act and defines the process to be followed.
2. Section 30 prohibits any person from carrying out activities related to the coastal zone, rivers, or any other wetlands unless expressly permitted by law or authorised in writing by the Agency. It also allows the Council to make regulations and guidelines for managing the environment of coastal zones, rivers, and wetlands. Bearing in mind the broad definition of land under the State Lands Act, 1991 — which includes lagoons, creeks, rivers, and estuaries within The Gambia — these provisions of the NEMA Act are particularly pertinent when considering any land policy.

## **Observation**

Several regulations exist to guide the implementation of the Act; however, weak enforcement hinders effective execution. Additionally, there has been inadequate collaboration and coordination between the NEA and other key stakeholders in enforcing these regulations. The Act lacks explicit provisions addressing climate change, groundwater, or coastal erosion, resulting in overlaps with newer sector-specific laws. Opportunities for digitalisation remain largely untapped.

## **Policy Statements**

1. The Government will implement the NEMA Act by enforcing the relevant regulations.
2. The Government will strengthen capacities and coordination mechanisms among diverse stakeholders.

## **Strategic Actions**

- a. Enforce environmental regulations strictly.
- b. Prevent bushfires through education and enforcement.
- c. Preserve wetlands and forest lands.
- d. Integrate environmental sustainability into land use planning and maintain natural waterways and animal tracks.
- e. Conduct Environmental Impact Assessments (EIA) before any development, civil works, or land allocation to ensure compliance with EIA regulations.



- f. The Minister shall consult Local Government and hold rights over all lands.
- g. Strengthen the capacity of stakeholders to facilitate the implementation of regulations.
- h. Develop mechanisms for effective collaboration among stakeholders.

### **5.3.6 Mines and Quarries Act**

- a. This Act provides for prospecting for minerals, carrying out mining and quarrying operations, and related matters.
- b. The Department of Geology is responsible for administering the Act.
- c. From the outset, the Act clearly states 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 watercourses throughout The Gambia, which 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.”
- d. The definitions of ‘mineral’ and ‘quarry’ are essential to understanding the scope of the Act. A ‘mineral’ is defined as a substance—whether solid, liquid, or gaseous—that occurs naturally in or on the earth or in or under the seabed, formed by or subject to a geological process. This 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 obtaining building material, which is neither a mine nor merely a well or borehole, or a combination of a well and borehole.
- e. The Act prohibits any person from conducting reconnaissance operations for minerals, prospecting for minerals, or carrying out mining or quarrying operations unless authorised under a mineral right granted pursuant to this Act. For major mining operations, a reconnaissance licence, a prospecting licence, and a mining licence are required.
- f. The Minister may grant a licence subject to conditions. Such conditions are intended to protect, among other things, the State’s mineral interests and the environment.

### **Observation**

There is a lack of effective coordination and consultation with all stakeholders, including local authorities and communities, prior to the issuance of mining and quarrying licences.

### **Policy Statement**

The Government will develop guidelines to ensure inclusive and participatory processes for declaring mining and quarrying sites.

### **Strategic Actions**

1. Ensure proper notice is given to affected local authorities, communities, or individuals in advance of any proposed mining or quarrying declaration.
2. Hold hearings with full disclosure of the project's nature, risks, and benefits.
3. Ensure transparent compensation at replacement value for land rights holders.
4. Ensure all mining and quarrying sites are gazetted by the responsible Minister at the time.

### **5.3.7. Fisheries Act**

**The Fisheries Act, 2007 (Act No. 6 of 2007)** is the principal legislation governing the conservation, management, sustainable utilisation, and development of fisheries and

aquaculture in The Gambia. It encompasses both marine and inland waters and outlines the rights, responsibilities, and regulatory mechanisms for stakeholders in the fisheries sector.

### **Observation**

The Act provides only a basic framework for aquaculture, lacking detailed guidelines on licensing, environmental management, and disease control.

### **Policy Statement**

The Government will ensure the enforcement of transparent regulatory mechanisms, enhance community participation in fisheries governance, and align national efforts with regional and international obligations for sustainable fisheries development.

### **Strategic Actions**

1. Promote ecosystem-based management of both inland and marine environments.
2. Maintain a fair and transparent licensing regime for local, foreign, and aquaculture operators.
3. Ensure enforcement of fisheries laws and combat illegal, unreported, and unregulated (IUU) fishing.
4. Invest in training, research, and infrastructure to modernise the sector and improve monitoring and surveillance systems.
5. Promote environmentally responsible aquaculture to enhance food security and reduce pressure on wild stocks.
6. Support gender-inclusive and youth-oriented participation in fisheries value chains.
7. Establish effective monitoring, control, and surveillance systems.
8. Amend and update the Act to address modern challenges, including climate resilience, digital monitoring, and gender equity.
9. Enhance enforcement mechanisms through capacity building, improved equipment, and community-based surveillance.

## **5.4 Legal Framework on Surveys, Land Valuation, and Taxation**

The following are the 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 in 2017 and 2024
- c. **Stamp Act**, Cap 82:01, Volume 13, Revised Laws of The Gambia 2009
- d. **Land Rates**
- e. **Surveys Act**, Cap 75:05, Volume 8, Revised Laws of The Gambia 2009

### **5.4.1 Mortgages Act**

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

## **Policy Statement**

Institutions should recognise customary land titles as security.

## **Strategic Action**

Address all legal gaps relating to the recognition of customary land ownership to make it acceptable in formal transactions, including as mortgage security in banks.

### **5.4.2 Rent Act 2014**

The Rent Act 2014 of The Gambia serves as the primary legal framework governing rental agreements, landlord-tenant relationships, and housing rights within the country. Originally enacted to regulate the rental sector, the Act has undergone amendments in 2017 and 2024 to address evolving challenges in the housing market. Consequently, the Act comprehensively addresses rent-related issues in the country.

## **Observation**

The Rent Act is progressive and inclusive; however, its implementation poses significant challenges due to inadequate implementation arrangements.

## **Policy Statement**

The Government will ensure the full implementation of the Rent Act.

## **Strategic Actions**

1. Establish a unit to oversee the implementation of the Act.
2. Build the capacity of stakeholders involved in implementing the Act.
3. Develop regulations and guidelines.

### **5.4.3 Stamp Act**

1. The Stamp Act Cap 82:01, Laws of The Gambia, is an Act for charging stamp duties in respect of certain instruments and related matters. Section 3 of the Act provides for the imposition of duty, specifying that duties shall be charged and paid on the instruments listed in the Schedule to the Act. The Schedule has recently been amended.
2. The Gambia Revenue Authority (GRA) is responsible for administering the Stamp Act and collecting duties under it.

## **Observation**

The Act is outdated, not reflecting current realities or aligning with national and international best practices. It requires revision to enable the government to generate more revenue from stamp duties.

## **Policy Statements**

- a. The government has the authority to raise revenue through taxation related to tenure rights to contribute to broader social, economic, and environmental objectives.
- b. The government will develop policies, laws, and organisational frameworks to regulate all aspects related to taxation of tenure rights.
- c. Taxes will be administered efficiently and transparently.
- d. Staff of implementing agencies will receive training, including in tax administration and valuation methodologies.
- e. Tax rates will be based on appropriately assessed land values; assessments and taxable amounts shall be public, providing taxpayers the right to appeal valuations.
- f. The government will endeavour to prevent corruption in tax administration through increased transparency using objectively assessed values.
- g. A progressive land tax will be levied on all lands allocated to commercial investments in both rural and urban areas.
- h. The government will formulate a Land Valuation Act to establish a comprehensive and transparent framework for land valuation, ensuring fairness, accuracy, and consistency in property assessments.

## **Strategic Actions**

To facilitate efficient utilisation of land and land-based resources, the government will:

1. Apply both the Original Site Value and Improvement Value Added Taxation to all land in urban areas.
2. Introduce a levy on undeveloped land.
3. Apply Development and Capital Gains Tax to capture value created through public infrastructure improvements.
4. Implement new taxes subject to remissions for certain property types and ownerships to safeguard the interests of the poor and subsistence farmers.
5. Improve the capacity of public institutions, including local authorities, to assess and collect taxes.
6. Apply objective criteria to tax exemption and waiver decisions on land investments.
7. Devise a mechanism for the GRA to ensure appropriate taxes are paid.

To enhance revenue collection on land-related duties, the government will:

1. Develop a legal framework outlining valuation principles, methodologies, and enforcement mechanisms.
2. Strengthen the valuation unit at the Department of Lands and Surveys (DLS) to oversee land valuation practices and ensure compliance.
3. Develop and implement regulations to operationalise the Acts.
4. Develop standardised criteria for property assessments.
5. Develop a Digital Land Valuation System incorporating GIS-based valuation tools and databases to improve accuracy and accessibility.

#### **5.4.4 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 those owned by or occupied by the government—are 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 follows: the City of Banjul (rated by Banjul City Council); Kanifing Municipality (rated by Kanifing Municipal Council); and each region (rated by 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 uniform rate on the ratable value of each premise in that area;
  - (b) made and levied in accordance with the valuation list in force at the time, except where a new valuation list is due, in which case the rate shall be applied by reference to the new list from the effective date.

#### **Observation**

The Act needs amendment as the fixed rates are very low. Municipalities and Area Councils are losing substantial revenue.

#### **Policy Statements**

- a. The government will ensure that all landholders and occupants—including individuals, institutions, and traditional districts within the jurisdiction of local governments—are liable to pay land and property rates, in accordance with the General Rates Act and other applicable laws.
- b. The government is committed to ensuring transparency, equity, and accountability in the assessment, billing, and collection of rates, while empowering councils to enforce compliance lawfully.

#### **Strategic Actions**

1. Ensure transparency, equity, and accountability in the assessment, billing, and collection of rates.
2. Empower councils to enforce compliance through lawful means in revenue collection.
3. Implement awareness campaigns to educate landholders about their obligations and the benefits of rate payment.
4. Ensure rates are assessed fairly based on land use, size, location, and value, with a commitment to transparent billing and public awareness.

#### **5.4.5 Surveys Act of The Gambia 1991**

This Act provides for improvements in surveying operations in The Gambia, the licensing of land surveyors, and related matters. It establishes standards for surveying practices, outlines the licensing process for surveyors, and sets procedures for the preparation and authentication of survey plans.

## **Observations**

The Surveys Act remains a pivotal piece of legislation in The Gambia's land governance framework. However, to enhance its effectiveness, concerted efforts are needed to address implementation challenges and undertake necessary legal reforms.

## **Policy Statements**

1. The government will amend the Act to enable private licensed surveyors to prepare lease plans and will build human resources and technological capabilities to effectively manage land surveying and registration processes.
2. The government will fully operationalise and modernise the Surveys Act by activating the Surveyors Board, instituting a robust licensing regime, adopting modern geospatial technologies, and partnering with licensed private surveyors. These measures will ensure accurate, timely, and affordable surveying services that underpin secure land tenure, pro-poor land markets, and climate-resilient spatial planning.

## **Strategic Actions**

1. Ensure that private licensed surveyors prepare lease plans approved by the Department of Lands and Surveys (DLS).
2. Strengthen human resources and technological capabilities to effectively manage land surveying and registration processes.
3. Undertake comprehensive legislative reforms addressing land adjudication, title registration, and compensation mechanisms.
4. Activate or replace the Surveyors Board and gazette rules of procedure and licensing criteria.
5. Re-establish national geodetic control stations and rehabilitate beacons or update the datum.
6. Procure modern surveying equipment and update the Act's schedule of approved instruments.
7. Prepare new digital base maps and integrate them into a national Land Information System.
8. Introduce e-plan submission and digital archiving to reduce plan approval turnaround time.
9. Strengthen enforcement by raising fines for beacon tampering, empowering survey inspectors, and publishing an online register of licensed surveyors.
10. Engage licensed private surveyors through performance-based contracts to prepare certified lease plans, undertake base mapping, and mentor public-sector survey staff.

## **5.5 The Protection of Land Rights of Others**

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 impact of the relevant provision is severely attenuated by a claw-back clause.

## **Policy Statements**

The Government will:

- a. Guarantee and protect the right to land in the laws without discrimination, in line with the guiding principles of responsible tenure governance outlined in the VGGT.
- b. Maintain and/or provide policy, legal, and organisational frameworks that promote responsible governance of tenure of land and land-based natural resources. These frameworks shall be dependent on, and protected by, existing laws and broader reforms within 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; are non-discriminatory; and promote social and gender equity.
- d. Ensure that policy, legal, and organisational frameworks for land tenure governance are consistent with existing obligations under national and international law, with due regard to voluntary commitments under applicable regional and international instruments.
- e. Ensure that tenure governance recognises, respects, facilitates, promotes, and protects the exercise of tenure rights, including legitimate customary tenure rights not currently protected by law.
- f. Ensure that frameworks reflect the interconnected relationships between land, fisheries, and forests and their uses, establishing an integrated approach to their administration.
- g. Consider the particular obstacles faced by youth, persons with disabilities (PWDs), women, and girls regarding tenure and associated tenure rights, and take measures to ensure that legal and policy frameworks provide adequate protection for women. Laws recognising women's tenure rights shall be implemented and enforced.
- h. Ensure that women have the right to full and equal protection by law, including the right not to be discriminated against on the basis of gender or marital status. This includes equal capacity to acquire, succeed to, use, control, and maintain rights in property, independently or in association with others, regardless of marital status.

## **Strategic Actions**

- a. The Government will undertake to incorporate provisions protecting the right to land for everyone within the country's laws.
- b. The Government will ensure that appropriate provisions are inserted into new basic land legislation to protect rights of access, inheritance, and ownership of land for all, especially youth, PWDs, women, and children.
- c. Frameworks for implementation shall ensure that women can legally enter into contracts concerning tenure rights on an equal basis with men, and should provide legal services and other assistance to enable women to defend their tenure interests.
- d. Rights of youth, PWDs, women, and children will be protected against discrimination and deprivation of property ownership, including property obtained by inheritance.
- e. Any law or practice that discriminates against women based on gender or marital status shall be invalid.

## **5.6 Method of Obtaining Land**

- a. Customary land can be converted to leasehold property in accordance with Section 7(1) of the State Lands Act, which states that a person holding any land in a designated area under customary tenure or year-to-year tenancy shall be deemed a lessee of the land.

- b. The lease period for a deemed lessee holding land from the State depends on whether the individual is Gambian or non-Gambian. If Gambian and the land is for residential use, the lease will be for ninety-nine years.
- c. For non-Gambians, the lease term shall be twenty-one years for residential land (Section 7(9)(a)(i) and (ii) respectively). The Act also provides for agricultural and industrial land, with terms determined by the Minister in collaboration with the Ministries responsible for agriculture and industry (Sections 7(9)(b) and (c)).

Non-Gambians face further restrictions under Section 10 of the Act. They may only be deemed lessees of 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. the land does not exceed 2,500 square metres in any city, town, or village within an area designated as State land.

If a non-Gambian acquires State land contrary to these provisions, they will be deemed tenants at will and may be dispossessed at any time. Regulations further restrict non-Gambians to a leasehold size of 1,000 m<sup>2</sup> for residential purposes and up to 2 hectares for investment purposes unless explicitly approved by the Minister.

Land allocated to non-Gambians for agricultural and industrial use cannot be sold, transferred, or exchanged.

### **Policy Statements**

- a. The Government will prohibit the sale, transfer, or exchange of agricultural and industrial land allocated to non-Gambians for residential or other purposes.
- b. The Government will ensure that land allocated or sold to non-Gambians complies with the measurements stipulated in the State Land Act.
- c. The Government will amend land legislation to define foreign-owned companies and restrict their ability to acquire customary land.

### **Strategic Actions**

1. Ensure periodic assessments are conducted to monitor compliance with lease terms, particularly for investment, agricultural, and industrial lands.
2. Require non-Gambian leaseholders to adhere to land use guidelines and promote environmentally sustainable practices.
3. Enforce restrictions to protect land resources while encouraging responsible foreign investment.
4. Regulate land ownership and leasehold rights for non-Gambians to ensure equitable access, sustainable land use, and national development.
5. Establish an ownership threshold (e.g., 40%) beyond which a company is considered foreign-controlled for the purpose of land ownership.

Section 5 of the Lands (Regions) Act makes provisions for obtaining and using land in the Regions. Under this Act, the occupation and use of Regional lands by indigenes shall be governed and regulated by the customary laws applicable in the localities where such lands are situated.



## **Observation**

Non-payment of annual land rent is prevalent; over 70% of land lessees are unaware of this obligation, thereby depriving the Government of significant revenue.

## **Policy Statement**

The Government will create awareness regarding the obligation to pay rent and strengthen rent collection and enforcement mechanisms.

## **Strategic Actions**

- a. Create awareness and conduct public sensitisation campaigns on the necessity of paying land rent.
- b. Utilise formal and informal communication channels.
- c. Strengthen institutions responsible for land rent collection.
- d. Establish mechanisms for remedial measures.
- e. Implement decentralised enforcement and outreach mechanisms for rent collection.
- f. Develop a digitalised payment system.

# Chapter 6

## LAND ADMINISTRATION 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 is evident in its provision of a foundation for securing property rights, facilitating investment in land and infrastructure, supporting agricultural productivity, and promoting sustainable urban planning and regional development.

In The Gambia, as in many other African countries, challenges such as weak land governance, disputes arising from inconsistent application of policies at the local level, inadequate documentation, and complex land tenure systems hinder efficient and effective land administration. These challenges are often exacerbated by issues such as corruption, lack of institutional coordination, and competing land interests. Addressing these issues is crucial for the proper management and utilisation 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, freehold, and leasehold 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 due to poor record-keeping at the level of local land authorities (Alkalolu, Chiefs).

The process of land documentation is cumbersome and lengthy, further exacerbated by the over-centralisation 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 decentralisation in customary land administration. Because there is no formal registration system for customary land, owners often seek to register it as state land by leasing. This 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 on both customary and state land, with limited regulation and a high incidence of unregistered land sales or inappropriate acquisition of large tracts of customary land in rural and semi-urban areas. Moreover, overlapping institutional mandates at both state and local levels cause confusion, conflicts of interest, and inefficiencies in land administration. Additionally, there is a lack of comprehensive policies to address these challenges.

## Policy Statements

- a. The government will amend existing laws to provide for land registration, mapping, and recording.
- b. The government will restructure the land rights administrative system to enhance efficiency, ease of access, and cost-effectiveness.
- c. The government will harmonise the customary system with the formal statutory system in land administration.
- d. The government will develop regulations for vetting, licensing, and monitoring real estate companies.
- e. The government will protect women's land rights and security of tenure and will ensure their full and effective participation in land administration and governance.
- f. The government will ensure that land policy processes become a cornerstone of gender justice, youth empowerment, and inclusion of persons with disabilities (PWDs) in national development, recognising this as not only a constitutional imperative but also an economic necessity.

## Strategic Actions

To restructure and re-engineer the land rights administration system, the government will:

1. Amend existing laws to provide for land registration, mapping, and recording.
2. Decentralise the registration of land titles.
3. Conduct a study on land ownership in designated state land areas.
4. Strengthen hierarchical structures in land rights administration to enable customary institutions to operate as the primary authorities for land held under customary tenure.
5. Harmonise the administration of customary and state land systems.
6. Develop mechanisms to ensure the full and effective participation of landowners and users—especially women (targeting 30%), youth, and PWDs—in all land rights administration functions and structures.
7. Maintain a clear separation between the land rights administration system and public or political administration.
8. Provide land administration institutions with adequate resources at all operational levels.
9. Develop and implement real estate regulations.
10. Develop gender-specific customary dispute resolution mechanisms.
11. Develop formal land dispute resolution mechanisms.
12. Develop a land gender strategy.

## 6.3 Institutional Framework for Land Administration

The land administration system in The Gambia is supported by a range of key institutions at both state and local government levels (see Box 1). These institutions act as duty bearers, responsible for delivering land rights and registration services to the public—the rightful owners or users of land. However, the system faces coordination challenges, institutional overlaps, and unclear procedures for citizens and foreign investors seeking services. These inefficiencies result in delays and frustration; for example, lease applications can take over three years and involve up to 83 procedural steps.

The lack of effective coordination and harmonisation among institutions weakens service delivery, reduces public trust and investor confidence, and hinders the productive use of land

resources. In some instances, poor coordination has led to conflicts where one institution grants land-related approvals without consulting other mandated authorities.

Furthermore, weak enforcement of laws governing institutional mandates and 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 eliminates institutional conflicts. A harmonised and efficient land administration system will enhance service delivery, strengthen public and business 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, improve efficiency, cost-effectiveness, and equity in the delivery of land services.

## **Strategic Actions**

To improve coordination and institutional efficiency, the government will:

1. Establish a national land coordination committee to improve communication and collaboration between land-related institutions. This committee will comprise stakeholders, civil society organisations, local governments, traditional authorities, and government institutions involved in land administration.
2. Review and harmonise existing land laws to clarify the roles and responsibilities of institutions managing land.
3. Establish clear guidelines for land allocation, registration, and management across all levels of governance.
4. Empower regional and local institutions to manage land administration processes within their jurisdictions.
5. Strengthen regional offices with the necessary tools and staff to handle registration, surveying, and dispute resolution.
6. Undertake institutional restructuring and establish a central unit or directorate to ensure effective coordination, enforcement, and monitoring of the land reform agenda.

To reform the delivery of land services, the government will:

1. Strengthen oversight bodies such as the Lands Commission, Planning Board, and Planning Authorities to monitor and evaluate compliance with land policies and regulations.
2. Review the current structure and functions of the Lands Commission as prescribed in the Lands Commission Act, 2017, to revamp its institutional mandate and human resource capacity, expand its areas of competence, and include the following new functions:

- Manage public lands on behalf of the government.
- Advise the government and local authorities on land policy, ensuring land allocation and spatial development are coordinated within agreed plans by land stakeholders.

- Analyse land issues and submit reports to the government as required in the context of the national development plan.
- Investigate land disputes throughout The Gambia, monitor property registration, and inspect land registers and records.
- Handle matters relating to national boundaries, including monitoring internal boundaries and advising the Minister.
- Monitor and exercise oversight responsibilities in land administration, land allocation, and land use planning nationwide.
- Grant the Lands Commission the mandate to adjudicate land disputes.

### 6.3.1 Land Administration Institutions and Their Responsibilities

<b>Ministry of Lands, Regional Governments and Religious Affairs (MoLRG&amp;RA)</b>
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.
<b>National Lands Commission</b>
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.
<b>Department of Lands and Survey (DLS)</b>
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.
<b>National Planning Board (Physical Planning)</b>
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.
<b>Planning Authority (PA)</b>
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.
<b>Department of Physical Planning and Housing (DPPH)</b>
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.
<b>Regional Governors</b>
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).
<b>Regional Governments/Local Government</b>
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 the administration and management of the Tourism Development Area, an area designated for tourism related investments such as eco-tourism, hotels, accommodation, beach bars & restaurant, tourism support infrastructure for cultural events and the promotion of domestic tourism.

### **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 aquifers, 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.
<b>Social Security and Housing Finance Corporation (SSHFC)</b>
SSHFC is responsible for the provision of affordable housing and they are also involved in land banking

To achieve a coherent and functional land administration system, it is imperative to align the roles and responsibilities of land administration institutions. The current framework is characterised by overlapping mandates, fragmented service delivery, and unclear jurisdictional boundaries between national ministries, regional authorities, and traditional leaders. This institutional fragmentation contributes to inefficiencies, duplication of efforts, and public confusion, ultimately eroding trust in the system. A harmonised framework, underpinned by clear legal mandates, inter-agency coordination mechanisms, and well-defined operational protocols, is essential. This will enhance accountability, improve service delivery, and ensure that institutions operate in synergy rather than in conflict. Establishing inter-institutional memoranda of understanding (MoUs), coupled with joint training programmes and integrated digital platforms, will further clarify roles and promote collaborative implementation of land policy reforms across all levels of governance. Furthermore, recognising the centrality of the Ministry of Lands in land administration, planning, and management, all institutions dealing with land need to coordinate with the Ministry.

## 6.4 Land Rights Identification and Adjudication

Reliable identification and adjudication of land rights are foundational for securing tenure, enabling investment, and reducing land-related disputes. In The Gambia, customary and statutory rights often coexist without clear harmonisation, and dispute resolution mechanisms are neither sufficiently accessible nor formalised. There is also a lack of comprehensive and systematic recording of adjudicated rights, especially in rural areas.

### Policy Statement

The Government will strengthen mechanisms for transparent, participatory, and equitable identification and adjudication of land rights, particularly in customary and peri-urban areas.

### Strategic Actions

The Government will:

1. Support systematic adjudication processes, including community mapping and documentation of customary rights.
2. Strengthen local land tribunals, alternative dispute resolution mechanisms, and the use of traditional/opinion leaders.
3. Develop guidelines for adjudicating overlapping or contested claims.
4. Ensure gender-sensitive and socially inclusive land rights adjudication procedures.
5. Ensure that adjudicated rights are accurately recorded and integrated into the national land registration and information system.
6. Train traditional leaders, land officials, and local councils in gender-sensitive land administration and dispute resolution.



## 6.5 Land Registration and Information Management

Land registration provides legal certainty and improves the efficiency of land transactions and land-based investments. In The Gambia, the registration system remains fragmented, paper-based, and inaccessible to many stakeholders. Critical gaps exist in consistent mapping, digitisation, and public recording of rights, especially in customary areas.

### Policy Statement

The Government will modernise the land registration system and develop an integrated, transparent Land Information System (LIS) to support secure tenure and efficient land management.

### Strategic Actions

The Government will:

1. Establish a unified, digital land registration system under a national Land Information System (LIS).
2. Digitise existing land records and maps and integrate them with new records.
3. Ensure that all new land allocations and transactions are registered in the LIS.
4. Improve public access to land records and strengthen transparency.
5. Develop protocols for the systematic mapping and geo-referencing of land parcels.
6. Link land registration processes to adjudication, valuation, and taxation functions.
7. Strengthen institutional capacity for surveying, cadastral mapping, and spatial data management.
8. Promote interoperability between land registration, natural resources, and planning databases to ensure effective inter-agency data sharing.
9. Systematically demarcate and survey all lands in The Gambia.

### 6.5.1 Gambia Border Management and Control

The Gambia is surrounded by Senegal on all sides except the west, which is bordered by the Atlantic Ocean. The country faces numerous boundary issues due to unclear and undermarked international and national borders.

### Policy Statement

The 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, African Continental Free Trade Area (AfCFTA), ECOWAS protocols, and joint border commissions.

### Strategic Actions

The Government of The Gambia will:

1. Ensure that The Gambia's international boundaries are protected, secured, and managed by the joint border commissions of The Gambia and Senegal.
2. Institutionalise a National Boundary Commission.



3. Ensure that smuggling and rustling of livestock across The Gambia's international borders are prohibited, monitored, and controlled.
4. Strengthen field staff capacity through adequate budgetary provision for training, logistical support, competitive wages, and incentives.
5. Ensure the recruitment and training of security personnel to protect and secure The Gambia's international boundaries.
6. Encourage existing security agencies to cooperate with the Government in protecting and securing The Gambia and its international boundaries.
7. Cooperate within appropriate mechanisms and with the participation of affected parties to address trans-boundary tenure issues affecting communities, such as rangelands, seasonal migration routes of pastoralists, and fishing grounds that lie across international boundaries.
8. Where appropriate, harmonise legal standards of tenure governance in accordance with existing obligations under national and international law, considering voluntary commitments under applicable regional and international instruments. This should be coordinated with relevant regional bodies and affected parties.
9. Develop, coordinate, and strengthen existing international measures to administer tenure rights that cross international boundaries, with participation of affected parties as appropriate.

## 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 harmoniously. 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 in The Gambia faces significant challenges that hinder the development of a robust electronic Land Administration Information System (LIS). Land records are often poorly maintained, 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, jeopardising effective land administration. A systematic parcel referencing system is lacking, leading to the potential for multiple registrations of the same land parcel. 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 digitise and modernise 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, the Government will:

1. Develop data standards for geo-information, including feature definitions, data content, spatial referencing, and accuracy.
2. Prepare and implement national guidelines to improve the quality and quantity of land information.
3. Amend all relevant laws to enable the streamlining of the land documentation process.
4. Synchronise the land information system with other relevant services related to land administration and management.
5. Establish, rehabilitate, reorganise, upgrade, authenticate, and digitise existing land records in readiness for the establishment of a computerized land information system.
6. Computerise and update existing land use records to support the land information system.
7. Decentralise and present the proposed land information system in a language understood by the general public.
8. Train all users at central and decentralised levels on the use of the computerized land information system.
9. Promote public-private partnerships in the digitisation and modernisation of land administration.
10. Provide a framework for property identification that will be adopted nationwide — a Unique Property Number (UPN) or Identifier (UPI), created during cadastral surveys and adopted by the DLS, DPPH, all municipalities, and other agencies.

## **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. Hotspot regions include the West Coast Region, Central River Region, and parts of Kombo North and South, where population pressure, real estate expansion, and weak tenure documentation prevail.

Key triggers of land-related violence and disputes include:

1. Ambiguous or overlapping land boundaries at compound, village, and district levels.
2. Multiple sales or allocations of the same land parcel by Alkalolu and Seyfolu.
3. Unregulated and often exploitative activities by real estate agents.
4. Failure to issue land ownership documentation on time.
5. Conflicts between farmers and pastoralists, particularly in rural areas.
6. Disputes over compensation and resettlement for land acquired for public projects.
7. Delayed enforcement of court or tribunal rulings.

8. Lack of impartiality and dual roles of traditional authorities who both allocate and adjudicate land.
9. Low-accuracy tools (e.g., smartphones, uncalibrated GPS devices) used for boundary mapping.

These issues are exacerbated by inadequate dispute resolution mechanisms at the local level and insufficient institutional capacity to mediate conflicts.

### **Policy Statements**

- a. The Government will establish an accessible, transparent, and efficient land dispute resolution framework that harmonises customary and statutory systems, promotes equitable outcomes, and ensures timely resolutions to enhance land tenure security and social stability.
- b. The Government will strengthen administrative land tribunals, adequately resourced and facilitated to enable them to carry out their constitutional mandate.
- c. The Government will use local dispute resolution mechanisms.
- d. The Government will establish a special land tribunal court to handle land cases.

### **Strategic Actions**

To promote a transparent and efficient dispute resolution procedure, the Government will:

1. 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.
2. Establish public grievance mechanisms to address institutional performance or corruption complaints.
3. Formulate a real estate bill and regulations.
4. Develop a resettlement policy and action plan to ensure land compensation is effected prior to acquisition.
5. Accord precedence to indigenous principles and practices in dispute management institutions in respect of disputes over land held under customary tenure.
6. Train community leaders in land-related legal matters and dispute resolution practices.
7. Engage traditional authorities, women, persons with disabilities (PWDs), and elders in dispute-resolution processes while ensuring alignment with national laws.
8. Create platforms for dialogue between customary and statutory actors to address conflicting interpretations of land rights.
9. Establish mediation and arbitration centres at community and district levels to resolve disputes quickly and cost-effectively.
10. Train mediators and arbitrators in culturally sensitive approaches to land conflict resolution.
11. Deploy trained land peace facilitators in known dispute hotspots.
12. Digitise land records and maps to improve clarity on land boundaries and ownership, reducing potential disputes.
13. Establish specialised land courts or tribunals to handle land disputes exclusively.
14. Promote community-based approaches such as negotiation and consensus-building for minor disputes.
15. Provide training programmes for local leaders, civil society organisations, and government officials on conflict resolution and land governance.

16. Ensure that all land transactions are publicly recorded to prevent fraudulent claims.
17. Set up a national system to monitor and evaluate the performance of land dispute resolution mechanisms.
18. Establish early warning and rapid response systems in high-risk areas to prevent escalation of land-related violence.
19. Strengthen coordination between police, alternative dispute resolution institutions, and land administration agencies in conflict-prone regions.
20. Collect and analyse data on land disputes to identify trends, root causes, and areas requiring intervention.

### **6.7.1 Resettlement**

The Government of The Gambia will undertake resettlement programmes using legally and administratively approved procedures for land acquisition and compensation. These processes will be based on suitable and consultative mechanisms to determine allocation criteria in a fair, transparent, and socially inclusive manner.

The Government will provide non-discriminatory and gender-sensitive assistance based on clearly defined eligibility criteria that enable affected persons or households to acquire tenure rights that sustain their livelihoods. The participation of implementing agencies and judicial authorities will be ensured to protect the rights of affected communities and individuals. Resettlement will focus on enabling access to land for residential and productive purposes, especially for the disadvantaged and vulnerable, and will be guided by environmental, social, and developmental considerations.

#### **Policy Statement**

The Government will pursue resettlement measures to ensure social inclusion and access to land for the poor and disadvantaged, while addressing environmental degradation, gender inequalities, and displacement-related vulnerabilities.

#### **Strategic Actions**

The Government will:

- a. Facilitate inclusive consultations, consistent with the implementation principles of the National Land Policy (NLP), to develop approaches for resettlement.
- b. Define eligible beneficiaries of resettlement programmes and indicate land exempted from such schemes.
- c. Establish a clear legal framework for identifying, verifying, and recording genuine beneficiaries of resettlement through participatory processes.
- d. Establish a clear legal framework for identifying suitable land for resettlement, using constitutionally and legally defined procedures for land acquisition.
- e. Establish clear and equitable criteria for allocation of settlement schemes.
- f. Ensure equal access and treatment for men and women, and consider the needs of persons with disabilities (PWDs) in resettlement programmes.
- g. Prevent corruption in resettlement initiatives through greater transparency and participation.
- h. Monitor and evaluate the outcomes of resettlement programmes, including their gender-differentiated impacts on access to land and livelihoods.
- i. Develop a comprehensive National Resettlement Policy Framework.

## **6.7.2 Expropriation and Compensation**

### **Expropriation and Compensation**

Expropriation and compensation are critical processes in land governance that must be conducted transparently, fairly, and with full respect for legitimate tenure rights. In The Gambia, where land remains central to identity, livelihood, and social stability, the Government recognises the need for a well-defined framework that upholds equity, due process, and environmental and social responsibility.

This framework will ensure that individuals and communities affected by land acquisition are adequately protected and supported through accessible mechanisms for compensation and appeal. Gender-sensitive approaches, legal aid, and adherence to international best practices will guide implementation to prevent displacement-related vulnerabilities and promote land justice.

### **Policy Statement**

The Government will develop a framework for expropriation and compensation, drawing on regional and international best practices.

### **Strategic Actions**

- a. Develop gender-sensitive policies and laws that provide clear, transparent processes for expropriation and compensation. Information on procedures should be widely disseminated in applicable languages.
- b. Provide a publicly accessible mechanism for appeals, managed by an Ombudsman, judiciary, or land administrative institution, for individuals who believe their tenure rights have not been fully recognised.
- c. Ensure that compensation for land acquired for public interest purposes (e.g., infrastructure, redevelopment, resettlement) is at full replacement value.
- d. Ensure that all actions are consistent with environmental and social safeguard assessments (ESIA), national legislation, and relevant international obligations.
- e. Provide claimants with legal and paralegal assistance throughout the expropriation and compensation process.
- f. Ensure timely processing of claims and provide necessary support services for affected persons to enjoy their tenure rights. Progress should be publicly reported.
- g. Develop clear eligibility criteria and establish transparent processes for asset valuation and compensation.
- h. Apply the principle of eminent domain uniformly across all land tenure types.
- i. Develop a comprehensive National Expropriation and Compensation Policy Framework.

## **6.8 State Forfeiture, Revocation & Repossession of Land**

Land forfeiture, repossession, and revocation have emerged as serious governance and justice concerns in The Gambia. These actions are often undertaken without a unified legal basis, resulting in tenure insecurity, especially in semi-urban and customary landholding areas. The absence of clear legal safeguards and procedural standards creates room for arbitrary state actions and undermines land rights.

## **Policy Statement**

The Government of The Gambia shall ensure that all land forfeiture, repossession, and revocation actions are guided by clear, transparent, and equitable legal procedures that uphold the rights of landholders and promote trust in the land governance system.

## **Strategic Actions**

- a. **Legislative Reform:** Enact a comprehensive Land Act that defines lawful processes for land forfeiture, repossession, and revocation, including requirements for due process, fair compensation, and rights to appeal.
- b. **Tenure Security:** Legally recognise and protect customary and informal tenure systems, ensuring all landholders are subject to the same legal safeguards.
- c. **Independent Adjudication:** Establish land dispute resolution tribunals empowered to handle cases of contested land revocations impartially.
- d. **Transparency and Public Access:** Develop clear, publicly accessible guidelines for land repossession procedures, and require public disclosure of decisions and justifications for repossession.
- e. **Institutional Strengthening:** Train and equip land administration agencies to apply legal procedures consistently and build internal accountability mechanisms.

## **6.9 Land Rights for Vulnerable Groups and Minorities**

Vulnerable social groups such as persons with disabilities, children, youth, the elderly, orphans, single-headed households including widowed mothers, and women require special protection regarding their land and inheritable rights and entitlements.

## **Policy Statement**

The Government will adopt measures that facilitate access to land, infrastructure, and basic services for vulnerable social groups.

## **Strategic Actions**

The Government will:

1. Develop mechanisms for identifying, monitoring, and assessing vulnerable groups.
2. Facilitate their participation in decision-making regarding land tenure rights.
3. Protect their land rights from unjust expropriation.
4. Enforce legislation and supervise the appointment of guardians for orphans and children to safeguard their land rights.
5. Review the legislative framework to ensure that being a minor does not constitute a barrier to proprietorship where circumstances indicate that conferring ownership rights upon a minor is appropriate.
6. Review, harmonise, and consolidate all laws relating to children's inheritance of family land to recognise and protect the rights of orphans.
7. Review laws on trusts and administration of estates to ensure trustees act in the best interests of beneficiaries.

8. Conduct public education campaigns to encourage the abandonment of cultural practices that bar children, women, youth, and persons with disabilities from inheriting family land.
9. Encourage joint land ownership of spouses.

## 6.10 Revenue Generation and Fiscal Functions

The decentralisation of land rights administration 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, rentals, and delivery of land services. The deed registry system is fully online and connected to the tax payment system, aiding government revenue generation.

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

### Policy Statement

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

### Strategic Actions

- a. Review land taxation laws and create new avenues for revenue generation in the land sector.
- b. Develop strategies to promote land registration as a mechanism to broaden the tax base.
- c. Monitor the performance of institutions charged with revenue collection to prevent misappropriation and wastage.
- d. Establish a locally realistic billing system and charge appropriate levies.
- e. Control levies on land transactions in urban and rural areas through guidelines administered by local governments.
- f. Streamline fiscal transfers between national, local, and community land rights delivery institutions to ensure equity in revenue sharing and use.
- g. Introduce a new tax on land that is not used productively, supported by appropriate regulations.
- h. Digitise land revenue collection.
- i. Raise awareness of the importance of land tax payment.

## 6.11 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 manage land administration and service delivery effectively. Key departments operate with insufficient staffing levels and significant gaps in technical expertise. Many staff lack qualifications aligned with their roles, especially in specialised units such as land surveying, cartography, and valuation services. This lack of capacity has resulted in inefficiencies, inaccuracies in survey data, and weak records management. Technological gaps compound these challenges; outdated tools are used for



critical processes, 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.

Decentralised capacity at the community level 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 records contributes to widespread land disputes, with insufficient mechanisms for alternative dispute resolution and conflict management. 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 hinder effective land management and service delivery in their sectors. To address these challenges, targeted capacity-building initiatives are essential. Investments in human resource development, technological modernisation, 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 national and local land administration institutions through targeted training, resource allocation, and 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 the capacity of land administration institutions, the Government will:

1. Develop a comprehensive training plan for stakeholders in land governance.
2. Provide facilities for training personnel in land rights adjudication, demarcation, surveying, and mapping by public or private agencies and communities.
3. Develop specialised educational programmes in land administration and management, including surveyors, planners, registrars, dispute mediators, and related disciplines at higher education institutions such as UTG and USSET.
4. Partner with academic and technical institutions to offer diploma and certification programmes in land governance and administration.
5. Introduce incentive schemes such as promotions and performance-based rewards to retain skilled personnel.
6. Train staff to use and maintain modern technologies to ensure sustainability.
7. Develop memoranda of understanding (MOUs) to clarify roles and responsibilities across ministries, regional bodies, and local authorities.
8. Participate in international forums and training programmes to stay updated on global land governance standards.
9. Enhance the capacity of local and community governance institutions to raise and utilise revenue from land sector operations.
10. Develop strong coordination and integration mechanisms among all sectors involved in land administration and management.
11. Simplify and reduce unnecessary steps in land registration.

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

1. Train regional, district, and village authorities on their roles in land administration.
  - ii. Support these authorities by training them in record-keeping and providing storage facilities.
2. Train Chiefs, Alkalos, women, and youth to be literate and capable in land resource management.
3. Empower Chiefs, Alkalos, councils of elders, women, youth, and Village Development Committees (VDCs) to resolve land-related disputes.
4. Provide clerks and logbooks to chiefs.
5. Train clerks in IT and document management.
6. Empower local leaders to incorporate traditional cultures in governance.
7. Build capacity for public servants in rural areas.
8. Train Akalolu and Chiefs in land measurement, recording, and para-surveying.

## 6.12 Land Valuation, Taxation and Professionalism

Land valuation and taxation are critical components of a functional land administration system. They influence property markets, ensure equity in land use, and serve as key instruments for revenue generation and public service delivery. However, in The Gambia, valuation practices remain largely ad hoc, with limited professional standards, insufficient data, and inconsistent methodologies. Professionalism in land administration, including ethics, standardisation, and certification of practitioners, is underdeveloped, resulting in inefficiencies and limited trust in the land sector.

### Policy Statement

The Government will institutionalise standardized land valuation practices, strengthen professional bodies, and promote ethical standards to enhance professionalism and transparency in land administration.

### Strategic Actions

The Government will:

- a. Develop and adopt national guidelines for land valuation based on international best practices.
- b. Establish a Land Valuers Registration Board to regulate, certify, and license land valuation professionals.
- c. Promote the formation and support of professional associations for surveyors, planners, valuers, and land managers.
- d. Ensure that all public land valuations are carried out by licensed and accredited professionals.
- e. Introduce mandatory continuous professional development (CPD) for practitioners in the land sector.
- f. Integrate valuation data into the national Land Information System (LIS).
- g. Strengthen capacity at local levels to carry out fair and transparent land taxation.
- h. Promote accountability through codes of conduct and disciplinary mechanisms for professional malpractice.
- i. Provide training on valuation and certification aligned with international valuation standards.

# Chapter 7

## LAND POLICY IMPLEMENTATION FRAMEWORK

### 7.1 Introduction

The Ministry shall, in consultation with other sectoral agencies and development partners, establish a framework for the implementation of this National Land Policy. This framework will provide for the creation of an interim administrative mechanism to operationalize the Policy pending the establishment of the National Land Policy Unit/Secretariat. Additionally, the framework shall include capacity-building initiatives and financing mechanisms for the Policy's implementation. The Policy also advocates for a culture of accountability through effective monitoring and evaluation frameworks, which will track performance at all levels of implementation.

This National Land Policy serves as a framework for the development and use of land resources in The Gambia. It must be implemented for Gambia's land resources to be used productively and optimally. Implementation involves converting policy principles, statements, and strategies into a comprehensive programme of land reform. The Policy must be internalised, popularised, translated, and widely disseminated to achieve its objectives. A detailed implementation plan will complement the Policy document. The effective implementation of the Policy will depend on the availability of human and financial resources, political support, quality leadership, national ownership, and effective communication and advocacy.

### 7.2 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. This Unit will be led by a senior officer from the Ministry of Lands, Regional Government and Religious Affairs (MoLRG&RA), who will coordinate the Policy's implementation.

The Ministry will constitute a multi-sector policy implementation and coordination oversight Cabinet Committee comprising all ministries involved in land administration, use, planning, and management, including the Ministries of Lands, Agriculture, Environment, Petroleum and Energy, Fisheries, and Water Resources. Under the Cabinet Committee, there will be a Steering Committee comprised of Permanent Secretaries from all land-related sectors. This Committee will also include two representatives from development partners (such as the UN Coordinator, EU representative, and World Bank). Non-state actors will be represented as well. The Permanent Secretary of Lands will serve as Chair, while the Head of the Land Coordination Unit will act as Secretary.

The Cabinet Committee's main function is to provide political support, overall guidance, oversight, and advice. The Steering Committee will be responsible for direct coordination,

implementation, and monitoring of policy execution. It will review and approve all work plans and budgets of the Coordination Unit.

There will also be a Technical Coordinating Committee within the Ministry, comprising the Permanent Secretary, Deputy Permanent Secretary (Technical), Head of the Coordination Unit, and Technical Directors. This Committee 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. This Committee will engage thematic working groups to ensure continuous collaboration among multi-stakeholders during implementation.

To ensure good governance in land administration and management, it is necessary to implement integrated enforcement measures and protect the Policy from political or other interference. This Policy shall form the basis for, and be recognised as, the overall guide for all other land-related policies.

**Specific tasks of the Unit shall include:**

- a. Facilitating the review and consultation over specific land policy proposals and legislation necessary to implement this National Land Policy;
- b. Facilitating the establishment of proposed land institutions;
- c. Facilitating the recruitment and training of required personnel;
- d. Facilitating the mobilisation of financial and other resources;
- e. Facilitating the organisation of civic education;
- f. Facilitating the monitoring of policy implementation and producing periodic reports;
- g. Facilitating mid-term and terminal evaluations of the Policy;
- h. Ensuring a smooth transition to this National Land Policy; and
- i. Facilitating the preparation of a National Land Policy Implementation Framework Plan (NLPIF Plan).

## **7.3 Capacity Building for National Land Policy Implementation**

The National Land Policy Implementation Unit (NLPIU) shall commission a study to identify the appropriate skills required to implement the NLP. Capacity building refers to the improvement in an individual's or organisation's ability to produce, perform, or deploy effectively. All aspects of capacity will be assessed, and gaps addressed to ensure smooth policy implementation. This involves training, provision of equipment, working tools, processes, and systems.

Training will be undertaken to build the capacity of ministerial staff and NLPIU personnel, both at overseas, national, and local institutions involved in policy coordination, land administration and management, and arbitration functions. Development of appropriate land-related training courses will be pursued for delivery at the University of The Gambia (UTG) and/or the University of Science, Engineering and Technology (USET) to ensure a sustainable supply of requisite manpower. Capacities of decentralised structures at regional, district, and village levels will be assessed, and gaps addressed to ensure effective implementation and monitoring.

**Policy Statement:**

The Government will embark on a comprehensive capacity-building programme to ensure smooth implementation and coordination of the Policy.

**Strategic Actions:**

To build capacity for effective and efficient policy implementation, Government will:

1. Develop a comprehensive training needs assessment of all stakeholders involved in policy implementation, coordination, and monitoring;
2. Undertake training programmes to address skill and knowledge gaps in key stakeholder institutions;
3. Establish partnerships with training institutions, particularly UTG and USET, to design land-related training programmes for sustainability;
4. Solicit support from development partners to provide scholarships in key land-related training areas;
5. Conduct both local and international training based on needs and availability;
6. Undertake capacity-building activities at decentralised levels through training and provision of other support.

## **7.4 Costing and Financing the Implementation of the National Land Policy**

Experience shows that land policy formulation and implementation often fail due to inadequate budgetary allocations for policy implementation, capacity building, and monitoring and evaluation. The MoLRG&RA shall carefully define the financial and technical resources required for comprehensive policy implementation. Donor support for policy development will be complemented by national financing and in-kind contributions to ensure national ownership and sustainability of the proposed land reform process.

A critical step in implementing the National Land Policy is a costed plan to ensure financial, institutional, personnel, and infrastructure requirements are met. This will determine the pace and sequencing of policy implementation. Such costing should be seen not merely as expenditure, but more importantly as an investment expected to revitalise the land sector for immeasurable economic and social benefits.

**Policy Statement:**

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

**Strategic Actions:**

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

1. Phase the implementation of this Policy based on sequenced priorities (immediate/short, medium, and long-term) and develop cost estimates for all phased programmes and activities;
2. Make an inventory of existing resource capacity in the land sector to determine usability and levels of shortfall;
3. Assess the capacity of existing systems and structures to initiate policy implementation as new structures are established;
4. Assess the relevance, appropriateness, efficiency, and cost-effectiveness of proposed institutional structures, including auditing existing and proposed structures to eliminate wastage caused by duplication, overlaps, and unproductive competition;
5. Identify institutional and governance structures needed to implement the Policy; and
6. Ensure that the cost of Policy implementation is fully budgeted and funded as part of the national development framework;
7. Organise donor roundtable conferences to solicit partnership funding for priority Policy actions.

#### **7.4.1 Resources Required to Implement the National Land Policy**

The financial resources required to implement the Policy over the first five years will necessitate a budgetary framework covering various project components. The NLPIU coordinator, supported by consultants and donors, shall prepare this budget. A comprehensive financing strategy will be developed, outlining potential funding sources (e.g., government budget, international donors, private sector investment) and a timeline for resource mobilisation. With this strategy and plan, donor/partner roundtable conferences will be organised periodically to mobilise support and inform partners on progress. This process involves identifying, acquiring, and utilising resources efficiently and effectively. Resources include time, money, skills, equipment, and more.

#### **7.4.2 Coordination of International Support**

The MoLRG&RA shall work closely with development partners to better coordinate support for national land policy priorities, including those promoting responsible investment in land for agriculture, mining, tourism, and urban development, as well as initiatives aimed at enhancing pro-poor land policy issues. Coordination efforts will also involve NGOs, particularly regarding alternative approaches to mediating land disputes, protecting the land rights of the poor, monitoring land registration processes, and strengthening civil society initiatives in land matters.

### **7.5 Implementation Plan for the National Land Policy**

A critical challenge in land policy implementation is the programming of its various components. This includes designing appropriate legislation, establishing institutional requirements, and preparing a programme of activities based on the strategies. These activities must be sequenced and prioritised, with indicators established to measure progress. Programming should be preceded by consultation with key stakeholders within government, Parliament, local authorities, and communities. Cooperation with agencies involved in land use and natural resource management, as well as non-state actors, is also necessary.

**Policy Statement:**

The Government will prepare an Action Plan for implementing the National Land Policy.

**Strategic Actions:**

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

- a. Establish multi-sectoral and multi-disciplinary committees at Cabinet and technical levels to provide oversight and lead implementation;
- b. Establish a Land Policy Implementation Unit to spearhead and coordinate implementation;
- c. Propose a timetable for developing new legislation, reviewing existing laws, and aligning institutional arrangements with the Policy;
- d. Design and strengthen coordination structures between land-related sectors and others;
- e. Prioritise programme components key to revitalising the land sector; and
- f. Define roles for the Ministry responsible for lands and other actors, including development partners, the private sector, and civil society.

**Specific tasks of the National Land Policy Implementation Unit will include:**

- a. Facilitating the drafting of all legislation necessary for Policy implementation;
- b. Identifying potential partners for efficient funding;
- c. Ensuring effective collaboration and coordination of all stakeholders;
- d. Mapping partners and establishing effective partnerships and networks within the land sector;
- e. Capacity building of key personnel;
- f. Organising civic education and public awareness campaigns;
- g. Tracking progress on Policy implementation; and
- h. Conducting research on land-related issues and strengthening advocacy.

## **7.6 Public Education and Dissemination of the National Land Policy**

The development process of the National Land Policy involved a broad spectrum of land sector stakeholders. It is necessary to undertake a comprehensive education and awareness programme to ensure full understanding of the Policy by all stakeholders at all levels.

**Policy Statement:**

The Government will disseminate the National Land Policy to all stakeholders.

**Strategic Actions:**

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

- a. Translate the Policy into major local languages;
- b. Prepare materials for civic and public education;
- c. Train and build capacity of local and community leaders on the Policy;



- d. Disseminate the Policy to all stakeholders;
- e. Ensure continued public debate on land issues, self-assessment, and feedback on the land policy framework;
- f. Develop an NLP communication and advocacy strategy for smooth implementation;
- g. Develop a comprehensive public awareness campaign using national languages;
- h. Organise community workshops and seminars;
- i. Use formal and informal communication channels;
- j. Organise biannual land conferences involving all stakeholders;
- k. Improve the existing Ministerial website and create linkages with other land-related platforms.

## 7.7 Stakeholder Participation

Successful implementation of the National Land Policy will depend on continuous buy-in, support, and confidence from stakeholders. Stakeholders should participate and be constructively engaged at all levels of policy implementation. These include various government departments, development partners, the private sector, civil society organisations, professional bodies, cultural institutions, faith-based organisations, and other non-state actors. Special groups such as women, persons with disabilities (PWDs), and youth will also be considered.

### **Policy Statement:**

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

### **Strategic Actions:**

To ensure full stakeholder involvement, Government will:

- a. Ensure participation of diverse stakeholders in the preparation and application of the monitoring and evaluation framework;
- b. Encourage additional resource contributions from development partners, the private sector, cultural institutions, and civil society;
- c. Formalise cooperation and coordination with non-state actors through joint statements of intent, partnership principles, codes of conduct, and Memoranda of Understanding;
- d. Build alliances and partnerships among stakeholder groups;
- e. Ensure stakeholder participation in Policy implementation; and
- f. Ensure formal representation of farmers' associations, producer cooperatives, and youth/women in agriculture platforms in the National Land Policy implementation structures.

## 7.8 Monitoring, Evaluation, and Review

Successful land policy implementation will accelerate social and economic transformation. It is therefore essential to establish visible mechanisms to monitor progress and evaluate the effectiveness of policy statements and strategies in achieving the Policy's vision, goals, and objectives. Where necessary, this may lead to selective revisions of elements of the Policy based on appropriate and integrated national indicators, both for the economy and the land sector.

A dedicated monitoring unit should be established to ensure continuous monitoring and evaluation to enhance Policy effectiveness. 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.

**Policy Statement:**

The Government will institutionalise a monitoring, evaluation, and review framework for implementing the National Land Policy.

**Strategic Actions:**

To institutionalise a monitoring and evaluation system, Government will:

- a. Develop a comprehensive monitoring and evaluation strategy/plan;
- b. Develop and apply indicators with key performance metrics for each Policy statement;
- c. Track performance through input, output, and outcome measures;
- d. Develop tools for Policy refinement and review;
- e. Establish an M&E structure identifying roles at all levels;
- f. Integrate land Policy values and principles into The Gambia's political discourse;
- g. Link the Results-Based Monitoring and Evaluation System to national monitoring processes within the National Development Plan; and
- h. Define roles and responsibilities of key stakeholders in monitoring and evaluation.

To maintain the Policy's relevance amid emerging land issues, Government will:

- a. Undertake periodic biannual reviews of land sector performance and Policy to identify persistent or new issues requiring intervention;
- b. Conduct periodic assessments to build a knowledge base;
- c. Conduct a midterm evaluation at the end of the fifth year;
- d. Conduct a terminal evaluation at the end of the tenth year; and
- e. Raise awareness of review findings and outline next steps.