# Management of Land Registration and Documentation by The Ministry of Lands and Regional Government



**January 2023**

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# List of Acronyms

| Acronyms | |
|---|---|
| BCC | Banjul City Council |
| CEO | Chief Executive Officer (CEO) |
| CRR | Central River Region |
| DLS | Department of Land & Survey |
| DPPH | Department of Physical Planning & Housing |
| DPS | Deputy Permanent Secretary |
| FAO | Food & Agriculture Organisation |
| GBA | Greater Banjul Area |
| GIS | Geographical Information System |
| GLNT | Global Land Tool Network |
| GPS | Global Positioning System. |
| GRA | Gambia Revenue Authority |
| JICA | Japanese International Corporation and Agency |
| KMC | Kanifing Municipal Council |
| LRR | Lower River Region |
| MOA | Ministry of Agriculture |
| MOE | Ministry of Environment |
| MOFWR | Ministry of Fisheries and Water Resources |
| MOJ | Ministry of Justice |
| MoLRG | Ministry of Lands and Regional Governance |
| MOTC | Ministry of Tourism and Culture |
| NBR | North Bank Region |
| NLP | National Land Policy |
| PIU | Police Intervention Unit |
| PLO | Planning Officer |
| PMO | Personnel Management Office |
| PS | Permanent Secretary |
| TDAs | Tourism Development Areas |
| UNDP | United Nations Development Program |
| URR | Upper River Region |
| WANEP | West Africa Network for Peacebuilding |
| WCR | West Coast Region |

**EXECUTIVE SUMMARY**

**Background**

The Ministry of Lands and Regional Government (MoLRG) is vested with the responsibility of land administration in the Gambia. MoLRG, in collaboration with its technical departments and agencies, oversees land policy in The Gambia, while its, technical departments and agencies are in charge of the technical aspects of land governance. It also serves as the overseer of Local Government Authorities such as the Area Councils, Chiefs and Alkalos as stipulated by the Local Government Act 2002. The Ministry is also responsible for monitoring and coordinating central government initiatives and policies as they apply to local governance, community development, and land matters to ensure harmonization.

Land documentation is of paramount importance as it does not only result in the legal ownership of land, but it also prevents land disputes between individuals/groups/communities. Over the years, there have been growing concerns over the rising rate of related disputes/conflicts in The Gambia and have in many instances led to violent conflicts and even loss of lives as reported by the Food and Agriculture Organization (FAO).

This audit was motivated by numerous factors which include: (a) the public outcries as a result of the waiting time of the land registration and documentation process (b) the Government's concern over the rising land disputes as stipulated in the 2018-2021 National Development Plan, (c) Social and Economic benefits attached to efficient and effective land administration(d) Importance of the lease document as a legal document to mitigate the surging land dispute and prevent loss of lives and (e) the significance of land and its related activities in achieving of the United Nation's 2030 sustainable development agenda.

The main objective of the audit was to assess the measures put in place by the MoLRG for efficient and effective land registration and documentation process. The audit assessed capacity of land administrators in term of expertise and workforce, structural systems as well as legal and administrative framework required in the provision of efficient and effective land registration and documentation process. The audit covered a period of four years from January 2018 to December 2021.

The audit used three main methods of data collection during the audit exercise, this included interviews with key players involved in land administration (more than 100 stakeholders were interviewed), documentary review, and site visits.

**Main Findings**

### a) Inadequate and Obsolete Legal Frameworks

There is lack of a National Land Policy and other relevant policy documents which hinders efficient and effective land administration in The Gambia. A national land policy sets out the rules and guidelines, roles, and responsibilities relevant to the current realities on the ground and more importantly highlights the country's agendas and plans in relation to land. A major hinderance of the system is the non-existence of relevant policy documents to guide the efficient and effective operations of the Ministry and its department.

Review of the legal instruments in relation to land administration also revealed that most, if not all, of the legal documents guiding the operations of land administrators were enacted in the 1980s and 1990s under a different atmosphere. To name a few, the State Lands Act and the Lands Acquisition and Compensation Act were both enacted in the early 1990s.

### b) Capacity Related Issues

The Ministry failed to achieve its strategic plan 2016-2020 mainly due to the capacity limitation of its staff. We have noticed two types of capacity related issues affecting the land registration and documentation process.

Firstly, there is lack of expert land administrators, particularly in the technical departments whose main responsibility is to conduct technical activities such as surveying, demarcation, development planning, etc. Most of the technical staff do not have the required qualification to function efficiently and effectively and in other cases, depend on past experiences gained on the job. The lack of required capacity also affects the local government authorities involved in land administration.

Secondly, there is also a significant gap in the workforce capacity of the Ministry. We noted that there were no regional offices for the Department of Lands and Survey (DLS) in North Bank Region (NBR), Central River Region (CRR), and Lower River Region (LRR). This implies that three (3) out of the five regional districts are without DLS officers.

### c) Long Bureaucratic Channels of the Land Registration and Documentation Process

A review of the land registration and documentation process revealed that there were too many bureaucracies (internal and external), making the process cumbersome. A review of the land registration and documentation process revealed that external

bureaucracies or the stakeholders through which the land documents must pass through during the process may be too cumbersome and unnecessary. For example, we noted that the occupancy stage of the process involves five (5) different institutions/authorities and ten (10) steps and in most cases, the documents move to and fro some institutions twice or thrice.

A review of the provincial lease files indicated that an average of two (2) years six months is taken to complete provincial leases and review of the state land lease files revealed an average waiting time of 62.1 months which is equivalent to 5.1years.

In addition to the numerous authorities that the land registration files have to go to, we have also noticed that the internal processes cause the major delays. In detailing the steps taken internally, we have noticed that at least 25 officers treat the files, which translates to 80 steps being taken for the provincial leases process to be completed

### d) Technological Deficiencies in the Land Administration System

The review of the land registration process revealed that the land registration and documentation system is dominantly manual; that is the processing of hard copy documents between several institutions and by numerous officers, thereby causing huge delay in the process. We also noted that automated systems meant to enhance efficiency and effectiveness of the process was funded by donors, but the Ministry failed to fully implement the systems. This would have addressed a component of its SDP 2016 – 2020 – which was for the Ministry to set up an information management system that would be accessible by the relevant offices nationwide.

In addition, the country does not have a national geographical information system (GIS) and not cadastrally mapped which further impedes the land registration and documentation.

### e. Lack of required Operational Resources/ Logistics

Efficient and effective land administration requires strong logistical and operational resources capacity. The lack of required logistics includes mobility, fuel, stationery, as well as office space affecting land administrators in all levels. These operational logistics would facilitate swift inspections of land during the process, smoothen land related paperwork and in generally fasten the process.

This is however not the case. We have noticed serious deficits in the logistics provided for land administrators. It is not reasonable to expect efficiency and effectiveness without basic requirements for smooth operations.

**f. Lack of Uniform Land Transfer Procedures at the Level of The Local Authorities**

Alkalos are required to facilitate the land transfer process without any cost implication to the applicants. This is however in contrary to what we found on the ground; we have noticed that all the Alkalos interviewed do receive a certain amount for the process of land transfer documentation. From the data collected from our interviews 56%, 13 Alkalos indicated that they charge between D2,000 to D5,000 and can also charge up to 5% of the proceeds if the land being transferred was sold. Another 17%, (4 Alkalos) indicated that their charges are not fixed and would normally depend on what amount is negotiated with the transferer of the land. The rest of the interviewed alkalos, (23%) indicated that they do not charge anything but would inform the transferer that whatever token is given will be accepted.

We have also noticed the lack of uniformity in local land transfer documents/forms at the local levels. Further, some villages we visited were without land registration and documentation systems.

**CONCLUSION**

a) The MoLRG does not have the required adequate legal framework to ensure efficient and effective land registration and documentation process. The existing legal framework does not support optimal land administration hence making it a daunting task for land administrators in all levels to be efficient and effective in their operations. Key policy documents such as the National Land Policy, cartographically mapped document of the country, community development policy and other relevant documents are not in place leaving question about where the country is heading to in relation to land unanswered.

b) There is a significant gap in terms of expertise and workforce capacity in the land administration domain especially within the MoLRG. The expertise in all the levels from the local authorities to the central level is not sufficient to ensure the expected efficient and effective service delivery. Furthermore, the workforce capacities of the technical departments in both the central and regional offices do not match with the level of workload and technical responsibilities under its purview.

c) The external and internal bureaucracies are significant impediments affecting the waiting time of the land registration and documentation process. The system in

place does not support the efficient and effective operation of the process causing a lot of frustration to the applicants which in turn creates an environment that compels applicants to pay agents, some of which are employees of the Ministry or its departments to follow-up on their applications in other to expedite the process.

d) Land documentation and registration system in The Gambia is dominantly paper base with no technological interface that the citizenry can access. This affects greatly the efficiency of the process. In addition, the stores where records are kept were met in dire and unideal conditions of storing national data of paramount importance. Land related documents contain valuable information that needs to be preserved for the longest of time and the current conditions of the stores do not support this. In addition, the land administration system lacks key technological infrastructures such as a national geographical information system and a cadastral map of the whole country to support efficient and effective land administration.

e) There are significant lapses in terms of operational logistics provided for land administrators. Efficiency and effectiveness will be dauting to achieve considering the lack of necessities that the system grapples with.

f) The local transfer system in place condones illegal charges such as transfer fees ranging from D2,000 up to 5% of the value of the land. The Ministry failed to interject such activities within the system because it is now public knowledge that Alkalos charge for such services.   There is lack of uniformity in the local transfer documents which poses serious challenges to the system. Further, numerous villages or communities especially in remote areas are without land registration systems.


**RECOMMENDATION**


a) MoLRG should ensure that strategic documents such as the National Land Policy is developed and implemented. The document should clearly outline the country's agenda pertaining to land as well as the roles and responsibilities of all the authorities involve in land administration. This will help to eliminate the overlapping of responsibilities and synchronize efforts of the institutions. In addition, reforms pertaining to land registration and documentation should also be introduced by this strategic document to ensure that the process is clear and concise.
Further, the obsolete legal documents need to be reviewed and updated to maneuver around the complex land related issues affecting the country.

b) The Ministry being aware of the huge capacity gap affecting its operation should prioritize both local and international capacity building programmes for its technical officers. The Ministry should also collaborate closely with Personnel Management Office (PMO) to emphasize the importance of having the right people with the required expertise to perform their duties efficiently and effectively. Lastly, for a medium to long - term solution, the MoLRG should consider consulting with the Ministry of Higher Education, Research, Science and Technology (MOHERST) at a national level to work on the modalities of including degree programs that are in relation to the area required for land administrators. In addressing the workforce capacity related issues, The MoLRG should development a manpower structure in consultation with PMO to commensurate with the rising workload in the provincial regions.

c) In the medium to long term, the ministry should consider establishing a one- stop shop for the land registration and documentation process to be able the cut down on the time taken to have all the stakeholders to endorse the necessary documents. This can be in a form of a digitalized system or any other method that will support such an important activity. The importance of digitalizing such processes cannot be overemphasized hence the Ministry should advocate for the embracement of such systems by its departments in other to expedite the process as well as serve as a monitoring mechanism. The Ministry should ensure that the workflow system donated by UNDP is fully operationalized with all the necessary IT infrastructures in place.

d) The MoRLG should introduce a digitalized and decentralized land documentation and registration system for much greater efficiency and effectiveness. The Ministry should consider moving to a digitalized land registration and documentation system to cut the paper base system and its related issues. Lastly, MoLRG should develop plans and strategies to ensure that the required technological infrastructures such as a GIS system and Cadastral mapping is implemented as soon as possible.

e) MoLRG in collaboration with the relevant authorities should strategize and ensure that the basic logistics requirements are put in place. The Ministry and its departments must be equipped with the basic facilities, equipment, mobility and other required logistics and accessories for efficiency and effectiveness. The importance of land administration cannot be overemphasized as it has the ability to not just develop and implement land policies but can be used a revenue making

machine for the executive to fund other development projects if adequately equipped and managed.

f)  The Ministry should enforce and make it absolutely clear without ambiguity that Alkalos are not mandated to charge fees for the local land transfer services. In the long run if the Ministry assessed that the Alkalos would be mandated to charge in other to support the administrative cost for such services, it should be clearly communicated on how much and how it will be accounted for to support accountability and transparency and not leaving it open for Alkalos to charge anything and enrich themselves. Secondly, the Ministry should with all urgency standardize the local land transfer form/document. Lastly, Alkalos across the regions should be sensitized and enlightened about the land documentation and registration process whether land transactions are prevalent there or not.

**CHAPTER ONE**

## 1.0 Background

## 1.1 Introduction

The Ministry of Lands and Regional Governance (MoLRG) was established by the constitution of the Gambia in 1965. It is the Ministry vested with the overall responsibility of land administration and management in The Gambia. Land administration refers to the process of recording and communicating information regarding the ownership, value, and usage of land[1].

Key in the land administration process under the purview of MoLRG is the management of land documentation. The Land documentation process is vital as it involves procedures and activities driving to the legal ownership of land, and it is the first step in any land ownership process. The process of land documentation involves or includes surveys, valuation, and Alkalo transfer and Sefor documentation that contribute to the economic development of The Gambia. The Ministry generate income through lease application fees, land surveys, land rents, etc. A proper land documentation system is integral in managing land ownership and preventing or mitigating land disputes and conflicts in a country. In light of this, the National Development Plan 2016-2021 aims at strengthening the policy environment and tools for appropriate land use, planning and management by ensuring there will be a National Land Policy, Land Use Plan, and a Cadastral map of the country for effective land management by the Ministry and its agencies by the year 2024.

## 1.2 Motivation

Land documentation is of paramount importance as it does not only result in the legal ownership of land, but it also prevents land disputes between individuals/groups/communities. Over the years there have been growing concerns over the growing rate of related disputes/conflicts in The Gambia and have in many instances led to violent conflicts and even loss of lives as reported by FAO.[2]

Land-related issues are more prominent in the West Coast Region (WCR) mainly due to the fact that rural-urban migration continues to be on the rise thereby mounting more pressure on the demand for land in this region[3]. According to an FAO report Empirical Assessment of Grievance Mechanisms for Land and Natural Resources Related Disputes in The Gambia 2019, 75% of the district court cases presided over by the Seyfo's (Chiefs)

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[1] Empirical Assessment of Grievance Mechanisms for Land and Natural Resources Related Disputes in The Gambia March 2021

[2] https://www.fao.org/gambia/news/detail-events/zh/c/1366388/

[3] https://www.migrationpolicy.org/article/gambia-migration-africas-smiling-coast

are said to be land-related cases. There have been numerous land disputes over farmland, ownership, and access to natural resources, as well as protests that denounce the destruction and degradation of the environment by new private-sector ventures.

According to the Conflict and Development Analysis Report_18_July_2019 by UNDP, the problem is further exacerbated by inadequate and or obsolete laws/legal frameworks, the increasing demand for productive resources triggered by high population growth, and the impacts of climate change [4].

Furthermore, the surge in land value and real estate speculation, as well as corrupt practices of buying, selling, and land-use and in some cases unlicensed practices by the commercial enterprise on land are sometimes linked in some cases to environmental degradation, public indignation, protest, and violence. For example, In June 2018, three people died and several others were wounded and hospitalized when the young people of Faraba Banta in Kombo East clashed with personnel of the Police Intervention Unit (PIU), in what the youth claimed was a land grab by Julakay Engineering and Construction Company, claiming it was issued sand mining license by the government.

In another violent case, triggered by the land disputes, the young people of Bafuloto launched an attack on law enforcement officers and those of the Department of Physical Planning as they attempted to pull down illegal structures in that village and its environments in 2017 highlighting a case of unclear ownership of land between the government and communities.

The situation has reached a point where it is undermining social cohesion and the attainment of sustainable development goals as highlighted by WANEP[5].

Some of the land disputes occur by accident, but many are triggered deliberately by people who would sell a plot of land to many buyers and transfer their ownership to more than one person with the signature (Alkalo Stamp) of the same Alkalos.

Besides the public outcry pertaining to the rising land disputes in The Gambia, complaints from the public are also centered on the long land registration/documentation process. According to reports[6], the first phase of the land registration process which is up to the occupancy stage may take up to a year on average and the second phase which is the leasing phase may take up to three years due to the backlogs of applications.

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[4] http://www.wanep.org/wanep/files/2019/Aug/FINAL_2019_Updated_CDA_Report_18_July_2019.pdf
[5] http://www.wanep.org/wanep/files/2019/Aug/FINAL_2019_Updated_CDA_Report_18_July_2019.pdf
[6] Doing business in Gambia 2020, The Gambia Labour Market Information System (http://lmis.gm/node/86), https://www.diplomaticcourier.com/posts/the-gambian-land-obstacle

**1.3 Audit Objective**

The overall objective of the audit was to assess measures put in place by MoLRG to ensure the land registration and documentation is processed on time and effectively.

### 1.3.1 Specific Objective

a) To assess whether the mechanisms put in place by the MoLRG (through its representatives/departments) supported efficient and effective land registration and documentation process.
b) To assess the time taken on average to process land registration and documentation in The Gambia.
c) To assess the extent to which the MoLRG provides/establish the necessary systems or tools required for efficient and effective land registration and documentation.
d) To assess the level of collaboration amongst the key stakeholders involved in the land registration and documentation process.
e) To assess the extent to which the Ministry ensures there's standardized land registration and documentation across the country.

**1.4 Audit Questions**

Does MoLRG put in place measures to ensure land registration and documentation are efficient and effective.

**1.4.1 Sub Questions:**
a) To what extent are the mechanism available for swift land documentation?
b) To what extent does the MoLRG monitor the activities of the other stakeholders involved in the land documentation process?
c) To what Extent does the Ministry maintain a uniform land registration and documentation across the country?
d) To what extent are the regulations, guidelines, procedural manuals and other internal documents established to guide the registration and documentation at all levels?
e) To what extent are land registration and documentation digitalized?
f) To what extent is time used in land registration and documentation in line with standard in the sub-region?

### 1.4 Assessment Criteria

To assess the audit problem, criteria were drawn from different sources such as: Legislations (Acts and Regulations), Policy documents, and general discussions with the officials of the Ministry and Technical Departments. Detailed information about the criteria used is explained in **Appendix A**:

**CHAPTER TWO:**

## 2.0 Design of The Audit

### 2.1 Audit Scope

The audit covered the land documentation and registration by the Ministry of Lands and Regional Government (MoLRG) for the period 1 January 2019 to 31 December 2021. The audit covers All the regions in The Gambia. This sample is selected based on the location of the MoLRG offices, the sub-departments, and the relevant stakeholders involved in the land documentation process. This is also due to the high prevalence rate of land issues or conflicts in these areas.

### 2.2 Audit Methodology

We analysed the data gathered by using both quantitative and qualitative methods of data analysis to support our findings. Various techniques (including tables and graphs) were applied in presenting the audit findings. The audit was conducted using the following methods of gathering data and information:

### 2.2.1 Interview

We held discussions/interviews with the Ministry of Lands and Regional Government, Department of Physical Planning and Housing, Department of Lands and Survey and their regional offices across the country. We also conducted interviews with Area Councils, selected District Chiefs, and Alkalos. These discussions aimed to gather information from these stakeholders to gain better understanding of their operations regarding land documentation management, related challenges, and possible next steps. **See Appendix b** for list of officials we interviewed.

### 2.2.2 Document review

We reviewed relevant documents relating to the Land documentation and registration process to establish and understand the measures put in place by the Ministry and its departments. In addition, proper land management and allocation are required to reduce conflicts and disputes over land in the Gambia. Documents that we reviewed are detailed in **appendix c.**

### 2.2.3 Site Visit

Site visits were also conducted to have first-hand knowledge of how records are managed at the stores of the Ministry and Technical Departments.

# CHAPTER THREE

## 3.0 Description of the Audit Area

## 3.1 Background of the Auditee

The Ministry of Lands and Regional Government (MoLRG) is vested with the overall responsibility of land administration in the Gambia. MoLRG, in collaboration with its technical departments and agencies, oversees land policy, while the technical departments and agencies are in charge of the technical aspects of land governance. It also serves as the overseer of Local Government Authorities such as the area councils, Chiefs and Alkalos as stipulated by the Local Government Act 2002. The Ministry is responsible for monitoring and coordinating central government initiatives and policies as they apply to local governance, community development, and land matters to ensure harmonization, coordinating and advising persons and organizations in relation to projects involving direct relations with local governments and development[i]. The Ministry also serves as the custodian of all Acts relating to land matters.

Structurally, MORLG has two technical departments that are directly related to land matters. The Department of Physical Planning and Housing (DPPH) is responsible for land use planning, and the Department of Lands and Surveys (DLS) is responsible for all land concerns, including surveying.

The Ministry is headed by a Minister appointed by the President to oversee the implementation of policies of the government. Technically, the institution is driven by a Permanent Secretary (PS) who serves as the chief administrator and authorizing officer. The PS is also assisted by two Deputy Permanent Secretaries (DPS). One assists and advises on technical matters and the other on administration and finance matters.

The Constitution of the Gambia (1997) caters for the establishment of a land commission that is mandated to mitigate land related problems as well as improve land administration. The Department of Land and Surveys serves as the Secretariat of the Commission. The Ministry is also vested with the mandate for the establishment and oversight of Planning Boards and Authorities as stipulated in the National Planning Authority Act 1991.

There is a National Planning Authority that is directed by the National Planning Board which has its secretariat for Banjul and Kanifing Municipality at the Department of Physical Planning and Housing. There are also regional Planning Authorities in every region across the country housed by offices of regional Physical Planning Department and the chairpersons of those boards are their respective regional governors.

**Regulatory Framework for Land Registration and Documentation by MORLG**

a)   Land Act 1963

b)   Land Commission Act 2007

c)   Land (Registration of Deeds) Act 1880 ammended 1972

d)   Physical Planning and Development Control Act No. 1 of 1991

e)   Survey Act No.4 of 1991

f)   Land Acquisition and Compensation Act No. 5 of 1991

g)   Real Estate (Liability for Debts) Act Act No. 2 of 1913

h)   Local Government Act 2008

### 3.1.1 Technical Departments Responsible for Land Administration

### 3.1.2 Department of Lands and Survey (DLS)

DLS comprises of three units, and these are the Survey, Land Valuation, and Cartography

- **Survey Unit: This unit is r**esponsible for conducting land surveys on plots when required and charges survey fees. The survey fee depends on the land use, it is fixed for residential areas but varies for commercial/institutional areas. The legal tool that guides the operation of this Unit is the Survey Act of 1991.

- **Land Valuation Unit:** The unit is responsible for statutory valuation. This involves estimating the value of statutory lands and buildings for government acquisitions, sales, and compensation, development, and rating purposes. The Unit is also responsible for the calculation of rents on leased properties and rates for local government councils.

- **Cartography Unit: This unit is** responsible for preparing large-scale maps, reviewing existing maps**,** putting boundary pegs, and demarcation of government residential and institutional layouts. The entire country is mapped topographically by the unit. A cadastral map is a set of records showing the extent, value, and ownership. There are cadastral maps available for Greater Banjul Area, West Coast Region, and provincial growth centers in the Gambia by a project funded by UNDP, Japanese International Corporation and Agency (JICA), and GAMWORKS.

### 3.1.3 Department of Physical Planning and Housing (DPPH)

This comprises of three units, and these are Planning, Development Control, and Housing.

**Planning Unit:** This Unit is divided into various sections:

- **Land Use Section**: responsible for reviewing of lands to determine whether they are situated in residential areas or agricultural as well as preparation of land use reports.
- **Public Complain Section:** responsible for handling and assessing issues relating to public complaints about land.
- **Layout Preparation Section:** responsible for the preparation of layout plans.

**Development Control Unit:** This Unit is divided into various sections:

- **Billing Section:** responsible for handling development permit applications.
- **Development permit section**: scrutinizing permit applications before approval
- **Demolition Section**: responsible for demolition of illegal structures in collaboration with the office of the sheriff division of the Ministry of Justice
- **Engineering section**: responsible for dealing with complex building.

**Housing Unit:** This unit is divided into two sections:

- **Estate Agent Section**: to collaborate with estate agents
- **Leasing section:** to advice DLS on leasing matters

### 3.1.4 Key Stakeholders Involved in Land Registration and Documentation

The following institutions are the stakeholders involved in the land administration of The Gambia. **See appendix d** for their roles and responsibilities.

a. Ministry of Lands

b. Department of Lands and Survey

c. Department of Physical Planning and Housing

d. Regional Physical Planning Offices

e. Area Councils

f. Chiefs

g. Alkalos

h. Gambia Revenue Authority

i. Ministry of Justice

j. Ministry of Agriculture

k. Ministry of Environment

l. Ministry of Tourism and Culture

m. Ministry of Fisheries and Water Resources

## 3.1.5 Organogram for the Ministry of Land & Regional Government
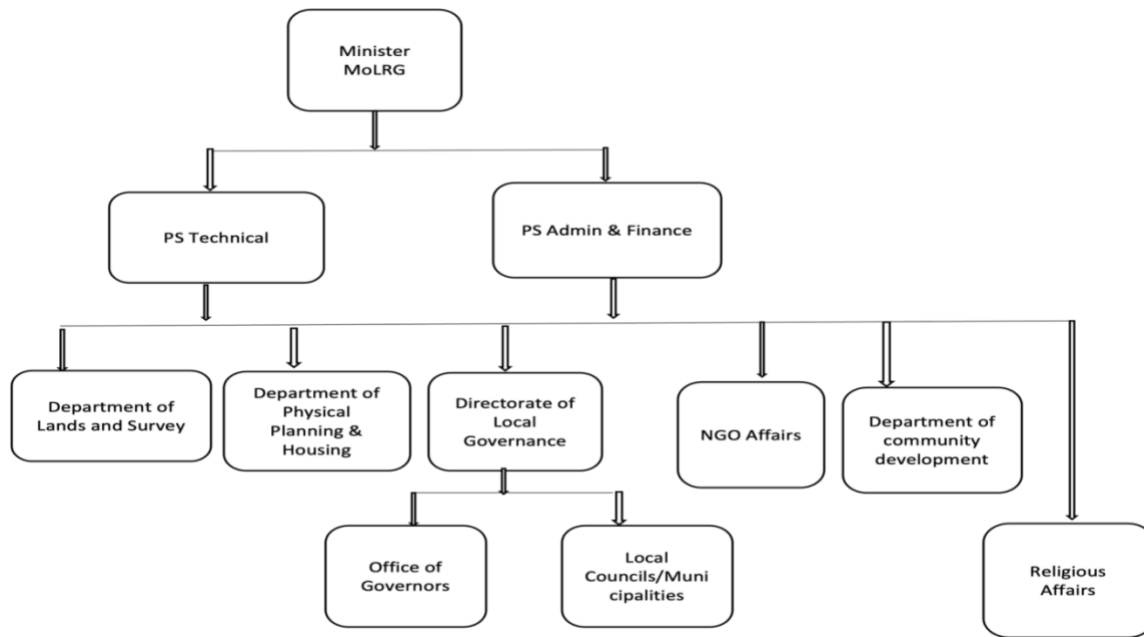


Source: provided by MOLRG

## 3.2 Vision

The vision of the Ministry is *to be the Platform for Effective Land Resource Management, Local Governance and Sustainable Community (Rural) Development for Poverty Reduction[7].*

## 3.3 Mission

The mission of the Ministry includes the following:

- To facilitate the effective coordination, inspection, implementation, management, monitoring and evaluation of decentralized development programs of LGA

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[7] Source: Provided by the MoLRG

- Provide oversight functions to the technical line departments and community level institutions in a democratic and transparent manner
- To ensure rational and equitable utilization of available land resources between the various users for socio-economic development.
- To ensure judicious administration of land and enhance its equitable access through comprehensive surveying and mapping processes.
- To enhance and promote the participation of people in charting their destiny through participatory development processes.

### 3.3.1 Specific Objectives of the MoLRG

- Improve the administrative (coordination, advocacy, and communication) and financing functions of MOLRG
- Develop a consolidated Land Use Policy, Development Control Policy, and Housing Policy to guide housing and development for sustainable socio-economic development
- To achieve equitable and efficient distribution of state and customary land resources.
- To strengthen the LGA administrative systems to further enhance effective local governance

### 3.4 The activities carried out by the MoLRG

MoLRG is a multifaceted Ministry, and it carries out several activities as per its various mandates. However, in providing land documentation and leasing services for both customary and state-owned lands, MoLRG carries out the following activities:

- Issuance of occupancy prelude
- Provision of land use reports for plots
- Provision of Geo-referencing services to avoid double registration of the same plot of land
- Issuance of occupancy certificate
- Process of lease application
- Approval of lease application
- Sensitization of the public on land documentation

## 3.5 Funding arrangement

The table below specifies the total approved budgetary estimates for land resources management for the periods under review[8].

| Year | Approved Budget (D) |
|------|---------------------|
| **2019** | 32,755,475 |
| **2020** | 25,531,410 |
| **2021** | 26,451,000 |
| **Total** | **84,737,885** |

Source: MoFEA website.

## 3.6 Systems and process description

Land documentation/Registration is the process of obtaining documents to prove ownership of a plot of land. The process entails obtaining a transfer attestation from the Alkalo of the community, an official letter from the local council a certificate of occupancy up to leasing. Upon the completion of the documentation process, the applicant may apply for a lease if the land falls within the designation of state-owned lands. The diagram below highlights the stages of land documentation.

**Figure 1: The below diagram shows the stages in land documentation up to the leasing stage in a bottom-top approach**
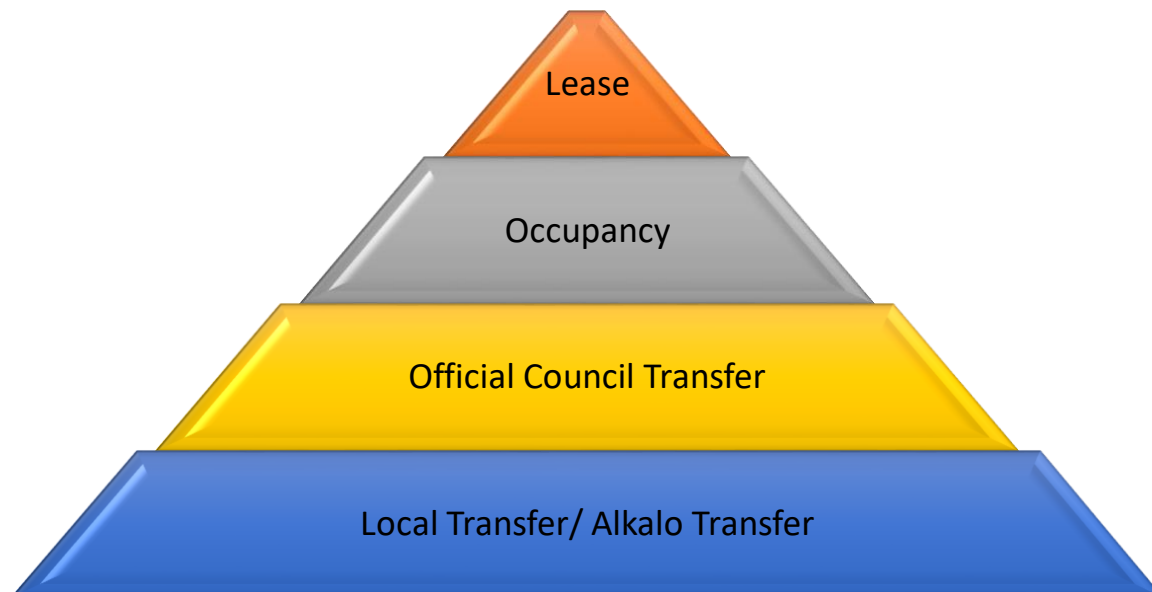


Source: Audit team's analysis of the stages

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[8] MoLRG budget 2019 to 2021

1. **Local transfer of ownership (Alkalo transfer) Stage**

At this stage, the Alkalo facilitates the local transfer of land between a buyer and a seller in his/her community. When a person expresses his/her intention to give out or sell his/her plot of land, the Alkalo ensures that an investigation is conducted to confirm that the requested land belongs to the person intending to sell it. This is conducted through the engagement of community elders and the head of the ward in which the land in question is located. The Alkalo does not usually carry out an investigation of a plot if the seller of the land presents legal title documents as proof that he/she owns the land. Upon confirmation that the land requested land belongs to the intended seller, the Alkalo would require the presence of the buyer (person taking over) and seller (person handing over) and their witnesses to sign the forms. Upon the signatures of the seller, buyer and their witnesses, the Alkalo authenticates the transfer by appending his/her signature and stamp. Some Alkalos demand for payment for their services at their own discretion as shared earlier in this report.

**TRANSAFER OF OWNERSHIP WITHIN STATE LAND AREA[9]**

1. The Alkalo's land transfer certificate with both the land seller, and the buyer and two witnesses will sign then followed by the Alkalo's stamp.

2. Then Seven copies of the sketch plan of the land are produced and submitted to the DPPH for approval

3. Application form from Department of Physical Planning D200.

4. Land use report attainable at Brikama Physical Planning Office.

5. Payment of transfer of ownership at Area Councils D7, 000.

6. Both the land use and transfer of ownership from Area Council is then taken to GRA for the payment of Capital gain tax which is 15% of the cost of the land usually payable by the Seller.

7. Both Documents to be taken to the Alkalo of the Village for Stamp.

8. Both documents to be stamped by the chief.

9. Final stamping by the Chief Executive Officer (CEO) and Chairman of the Council.

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[9] Process description transfer of ownership within state land area from the MoLRG.

**Figure 2: Diagram showing the process of obtaining Council Official Transfer**
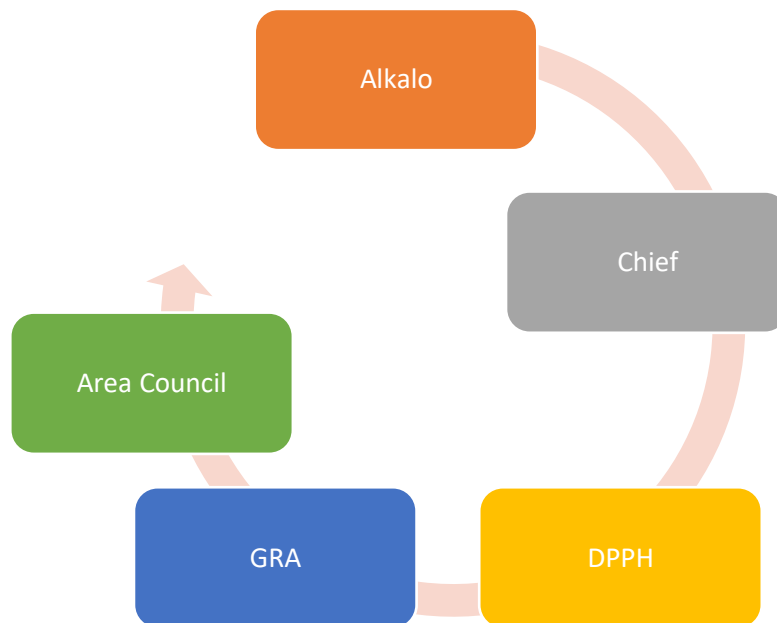


Source: Audit team's analysis of the process.

## 2. Occupancy Stage

The occupancy stage entails steps taken to acquire the occupancy certificate as detailed below. The council's official transfer is also a prerequisite for the occupancy stage.

a) In order to obtain an occupancy certificate, the applicant purchases an occupancy prelude form from DLS at a cost D500.[10]

b) The duly completed occupancy prelude form along with copies of the sketch plan and official council land transfer certificate are submitted to the DLS for issuance of the occupancy prelude clearance.

c) The applicant then purchases land use report form from the DPPH at a cost of D200. Upon the approval of the sketch plan, land use report certificate is issued by DPPH.

d) DLS issues occupancy certificate form on the basis of the approval DPPH. The occupancy certificate form is then taken to the Alkalo, district chief and council for signature and stamp.

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[10] Land administration Procedures & Tariffs manual and interviews conducted with MoRLG, DLS, DPPH, selected Alkalos, and chiefs

e) A fee of D500 is charged by the area council for such a service.

**Figure 3: Diagram showing the process of obtaining an occupancy certificate involving the different stakeholders**
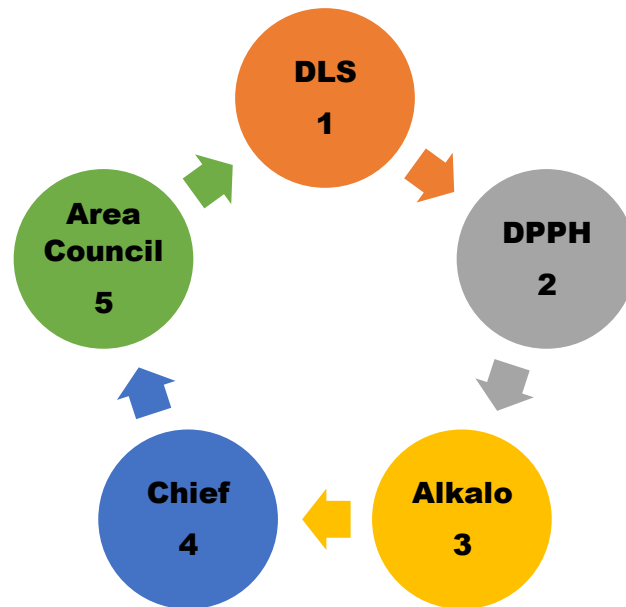


Source: Audit team's analysis of the cycle.

### 3. Lease Stage

Lease is "an arrangement under which the landowner gives the land to someone else to use temporarily in return for rent." According to the States Lands Act 1990, stated owned lands in the Gambia can be leased for a maximum of 99 years. The two types of Leasing are State Land leasing and Provincial Leasing as classified below.

### a) State Land Lease

1.      Purchase of application form from Department of Lands and Survey (DLS) at D500, fill the form and submit with the Land Transfer Certificate and Certificate of Occupancy to DLS for processing.

2.      Department of Land Survey opens a file for the application for the lease and submit the application to Department of Physical Planning and Housing (DPPH) for advice.

3.      Lease application for Agriculture, Tourism, Fisheries etc, application is sent to the sector Ministry for advice.

4.      Department of Land and Survey submits the application to the Minister of Lands for approval.

5.      Upon the Minister's approval, the application is returned to DLS. DLS conveys the Minister's approval and informs the applicant to pay the Survey Fees.

6.     Upon Payment of survey fees at DLS, the land is surveyed and demarcated.

7.     Proportional land rent is calculated. Upon payment of land rent by the applicant, the lease document is purchased at DLS at a cost of D500.

8.     Four sets of lease documents are prepared, singed by the applicant, and submitted to the Minister of MoLRG for signature. Lease and application for renewal is submitted to DLS.

9.     After the Minister's signature, DLS submits two sets of the signed lease documents are forwarded to Gambia Revenue Authority (GRA) for payment of stamp duty.

10.     DLS submits the lease documents to the Registrar of Deeds, Ministry of Justice for registration upon payment of D1, 500.

11.     The registered lease with the SR.No is then finally submitted to DLS for registration and the lease process is completed and ready for collection at DLS.

**Figure 4: Diagram showing lease process involving the different stakeholders**
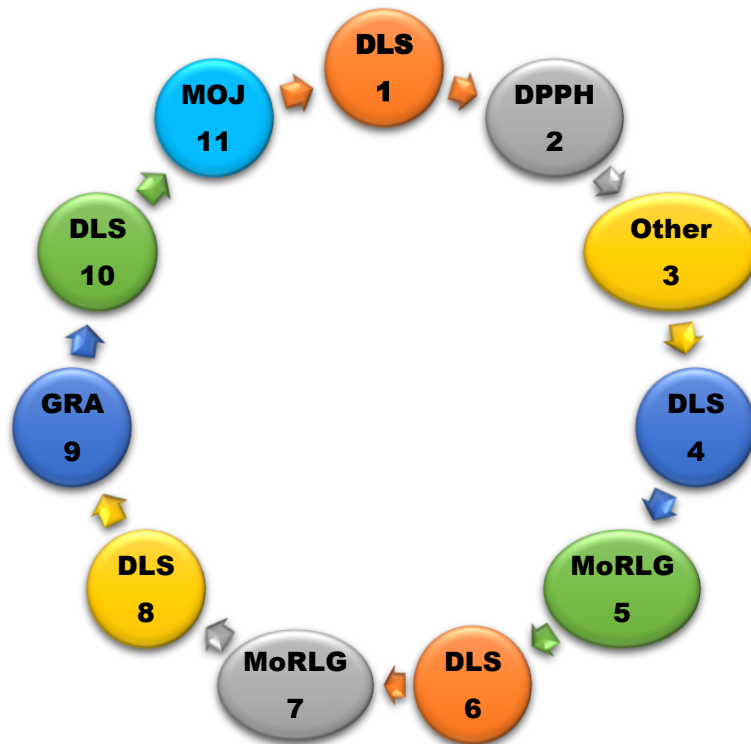


Source: Audit team's analysis of the leasing process.

**Key:** the 'Other' represents Ministries of fisheries, Agriculture, Tourism and Environment that are usually consulted if the land applied for leasing is related to their Ministries.

## b) Provincial Leasing Land[11]

1. Application from the Governor's office
2. Open file and verification of all documents
3. Write to Department of Physical Planning and Housing (DPPH) for planning report
4. The planning report from DPPH is forwarded for verification
5. Minute the file for approval from the Honorable Minister
6. Convey approval of the Honorable Minister to the Governor's office for the preparation of lease documents and lease plans.
7. Verification of lease documents and plans and forward for the Honorable Minister's signature.
8. Convey final approval to the applicant for further registration of the lease documents at the Ministry of Justice.



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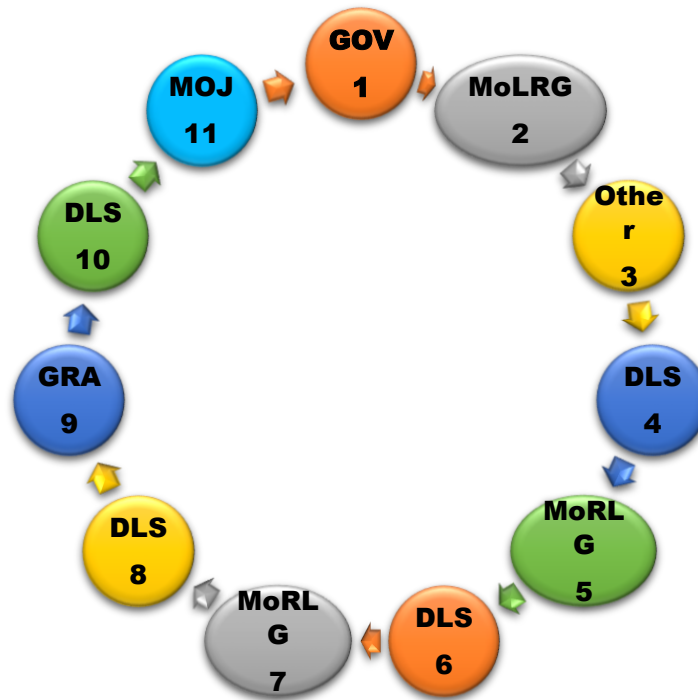
[11] From the ministry of Lands and Regional Governance

# CHAPTER FOUR: Detailed Audit Findings

The land registration and documentation process in The Gambia is affected by numerous factors ranging from capacity-related issues, insufficient adoption of technology in land administration, long bureaucratic channels, inadequate and obsolete legal framework, inadequate logistics, and inadequate decentralization policies. Below are the detailed findings impeding the land registration and documentation process in The Gambia.

## 4.1 Inadequate and Obsolete Legal Framework

### 4.1.1 Absence of Relevant Policy Documents

*A National Land Policy (NLP) is a living document that comprises an overall framework and set of principles to guide sectoral, legislative, and institutional reforms in land administration and management.*[12]

Research has shown that West African countries such as Kenya[13], Rwanda[14], and Tanzania[15] are mainly efficient and effective in their various land administrations due to their robust national land policies. The Global Land Tool Network (GLNT) indicated that a land policy entail sets of rules and guidelines that govern how a country's administration will manage and administer land in that country[16]. FAO further highlighted that a National Land Policy is a must for any nation as it provides the framework for addressing problems and constraints to ensure equity in land allocation and holding and to maintain a stable environment for the country's sustainable social and economic development[17].

A review of the legal framework and interview with the officers of MoLRG revealed that The Gambia does not have a National Land Policy (NLP) in place. During our interviews and discussion with officers of the Ministry, we were informed that the Ministry and its departments depend mainly on internal policies most of which are obsolete.

Review of the strategic plan of MoLRG 2016-2020 indicated some weaknesses, one of which is the non-existence of relevant policy documents to guide the efficient and effective

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[12] Sessional paper No.3 of 2009 on National Land Policy August 2009

13 Sessional Paper No. 3 of 2009 on National Land Policy August, 2009

14 Ministry Of Lands, Environment, Forests, Water And Mines, National Lands Policy, February 2004 Assessed on: CHAPTER 1 GENERAL CONTEXT (rema.gov.rw)

15 The Ministry of Lands and Human Settlements Dar es salaam, Tanzania Second Edition 1997 Assessed on: tan169570.pdf (fao.org)

16 https://gltn.net/land-policy-and-legislation/

17 https://www.fao.org/faolex/results/details/es/c/LEX-FAOC163491/

operations of the Ministry and its departments. The NLP would have precipitated internal policies such as the Community Development Policy to guide Community Development processes and the Land Use Policy to guide the Department of Physical Planning and Housing none of which were in place.

The absence of the land policy does not only affect the clarity of the mandates of various stakeholders in the land administration process but also indicates a lack of direction in the sector. A national land policy would have set out the rules and guidelines, roles, and responsibilities relevant to the current realities on the ground and more importantly highlights the country's agenda and plans in relation to land.

Due to the absence of a national land policy, the roles and responsibilities of the authorities involved in land administration are unclear, thus resulting in the overlapping of mandates or responsibilities between the authorities. During our interview with the Permanent Secretary of the MoLRG, he emphasized the overlap of mandates and responsibilities causing conflict over land between land administrators. An example cited was the case of the Tourism Development Areas (TDAs), the Ministry of Tourism is mandated to manage TDAs while the MoLRG is also the sole managers and administrators of all lands in the country thus there comes a conflict over whose mandate stands over those lands. Similar scenarios are also common between area councils and the governors' offices in the region as the area councils are convinced that some of their duties in relation to land are being carried out by the governor's office.

Further, an existence of a national land policy would have necessitated the availability of country wide mapping which would have also set out residential from agricultural, industrial, and reserve areas as well as distinguish land boundaries between communities. In the absence of this, there is tendency for frequent conflict over land and boundaries with no means to justify resolutions. Therefore, resolving those conflicts would become impossible or difficult. It is important to note that some of these boundary conflicts have caused citizens serious damages to property, injuries and even loss of lives. For example, in Gunjur-Berending case, the Faraba case and recently the Taibatou-Kerewan case which has been a very tense and complicated case.

We were informed by the MoLRG that developing this policy was in the plan however there are financial challenges to fund the development of the policy, we were however not provided with evidence to substantiate this claim.

### 4.1.2 Obsolete Legal Framework

Review of the legal instruments in relation to land administration revealed that the most, if not all, of the legal documents guiding the operations of land administrators were

enacted in the 1980s and 1990s under a different environment as shown in the table below.

| | Land Legal Instruments | Year |
|---|---|---|
| 1. | Land (Registration of Deeds) Act | Act No 5 of 1880, Amended by Act No. 6 1883 |
| 2. | Land Acquisition & Compensation Act | Act No. 5 of 1991 |
| 3. | Lands (Regions) Act | Act No. 16 of 1945 Act No. 5 of 1963 |
| 4. | Lands Commission Act | Act No. 12 of 2007 |
| 5. | Physical Planning and Development Control Act | Act No. 1 of 1991 |
| 6. | Real Estates (Liability For Debts) Act | Act No. 2 of 1913 |
| 7. | State Land Acts | Act No. 2 of 1991 Amended by Act No 10 of 2008 |
| 8. | Surveys Act | Act No. 4 of 1991 |

**Source: Land Laws of The Gambia, received from MoLRG.**

To name a few, the State Lands Act and the Lands Acquisition and Compensation Act were both enacted in the early 1990s. Through our discussions with the MoLRG, we were informed that some parts of the Acts are out-of-date and do not seek to address the realities of today. For example, the Housing Policy, Development Control Policy, Land Use Regulation, and State Lands Act and Regulation were all deemed feasible during the time of approval for development and the documentation process; however, subsequent changes in the country have rendered these regulations out of date, making them unsuitable for present and future land development and documentation. The departments of lands and survey and physical planning have similar sentiments about the Acts and regulations that govern their operations.

During our interviews with the local authorities (Chiefs, Alkalos, and Governors), 41 out of the 87 translating to 47% of our respondents indicated that the Acts and Regulations governing their operations are obsolete and it affects the efficient and effective operation of the authorities.

As a result, the laws are unable to resolve the current realities on the ground causing inconsistencies between the dictates of the law and its enforcement. The situation of Area Councils is a classic example; although the Local Government Act of 2002 advocates for the decentralization of authority from central to local government and grants councils "a high degree of local autonomy" to enable democratic governance, its implementation is haphazard. Furthermore, the stated that they had plans to update these legal instruments, but that the plan is on hold owing to financial restrictions; however, no request or budgets for these updates were presented to substantiate this claim.

Without these important documents serving as roadmaps, regulations and controls the legal framework for land administration is weak thus subjecting the system to all types of frauds. Developments are also affected as there are inadequate guidelines and regulations.

**Conclusion**

The MoLRG does not have the required legal framework to ensure efficient and effective land registration and documentation process. The current legal framework does not support optimal land administration hence making it a daunting task for land administrators in all levels to be efficient and effective in their operations. Key policy documents such as a National Land Policy, cartographically mapped document of the country, community development policy and other relevant documents are not in place leaving the question about where the country is leading to in relation to land unanswered.

**Recommendation**

Land is one of the most valuable resources if not the most valuable resource of any country thus it is of paramount importance that the required legal and administration framework are in place to ensure that land administrators are correctly guided in other to be efficient and effective.

MoLRG should ensure that strategic documents such as the National Land Policy is developed, implemented, and monitored. The document should clearly outline the country's agenda pertaining to land and the roles and responsibility of all the authorities involve in land administration. This will eliminate overlap of responsibility and synchronize efforts of various players. In addition, reforms pertaining to land registration and documentations should also be introduced by this strategic document to ensure that the process is clear and concise.

Further, the obsolete legal documents need to be reviewed and updated in order to stay relevant and respond to emerging issues that have been changed over time and be able to maneuver around complex land related issues affecting the country.

## 4.2 Capacity Related Issues

Efficient and effective land registration and documentation is impeded to a large extent by workforce capacity as well as expertise across all levels of the land administration system. Below are details of impediments related to capacity.

### 4.2.1 Lack of Required Expertise

*The MoLRG Strategic Plan 2016-2020 emphasized the need for MoLRG to provide trainings and capacity building programs for land administrators particularly surveyors and other technical areas.*

Land administration is the way in which the rules of land tenure are applied and made operational. Land administration, whether formal or informal, comprises an extensive range of systems and processes to administer; this includes surveys, development evaluations and assessments.

During our interviews with various departments within MORLG, Alkalos and chiefs, we have noticed deficits/gaps in capacity particularly at the level of the local authorities. The Ministry failed to achieve as per its strategic plan 2016-2020 as the capacity of land administrators remains a significant Impediment of the land registration system. The lack of required capacity cuts across all the technical departments as well as the local authorities. During our interactions with the staff of the Department of Lands and Survey (DLS), who are responsible for land valuation, surveying, and mapping, we were informed that there is only one qualified surveyor at the MoLRG, who is currently the Permanent Secretary. We also noted that there are no qualified land valuers or mappers at the department. The staff manning these positions rely heavily on-the-job training and on past work experience and activities to perform their duties[18]. In addition, it was revealed that the Department of Physical Planning and Housing (DPPH) responsible for planning and land use control have only two of its employees with master's degree in engineering, others are BSC holders in areas such as community building and diploma in architectural design.

Similarly, we have noted that the local authorities (who are mandated to administer land on behalf of the MoLRG) are less equipped in terms of capacity than any of the structures in the land administration system. In fact, most of the Alkalos and Chiefs we visited during this audit are not literate in English. According to the data collected from our interviews with the Alkalos 15 out of the 26 Alkalos (56%) are not literate in English Language as such 38% of them are not even aware of the legal framework that is supposed to guide

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18 Interview meeting with Department of Lands and Survey, 30th March 2022

their operations as land administrators. The same applies to the chiefs, more than half of the chiefs are not literate in English and are not equipped with the required capacity to administer land efficiently and effectively. During the data collection, we realized that 13 out of the 16 (80%) chiefs interviewed were not aware of the existence of the local government Acts and other legal documents from which they drive their mandates from, and which was supposed to guide their operations particularly in land administration. Coupled with the Ministry's failure to enlighten the local authorities about such important documents, the capacity of the local authorities was also not built to administer such an important mandate.

The number of qualified officers required and those present in MoLRG and its technical departments are vastly out of balance. According to the Director of DLS the expertise gap in his department affects greatly the land registration and documentation process. The director alluded to the challenges his department faces in this aspect by citing an example of how the department is compelled to reconduct/redo some of their surveys due to errors presented in survey reports. The reason behind this gap according to the director of DLS was because these are technical areas that are not taught in the higher institutions in The Gambia. To develop expertise in these areas one needs to explore universities abroad which are mostly expensive and the department, he added, is not able to send officers abroad for capacity building due to resource constrains.

The director of DPPH also stressed the fact that engineering and other relevant courses are not taught in the higher learning institutions in The Gambia requiring further studies abroad. We engaged the MoLRG about this issue of training officers to be qualified in their various arears, but it was indicated that funding is always a problem, that the budget allocated for the running of the Ministry is barely enough to fund core activities thus sending officers abroad is practically impossible. The Ministry also highlighted that the Personnel Management Office (PMO) seldom provide opportunities for the Ministry to send their officers abroad to access relevant field of studies related to their jobs. Although documentary evidence was not provided to us for confirmation, the Ministry claimed that a lot of proposals and recommendations were sent to the PMO for training but did not receive positive responses towards those proposals. To bridge the capacity gap, the Ministry highlighted that it intends to train surveyors, planners, and valuers by expanding the Rural Development Institute in Mansakonko to offer courses in these areas.

According to the Local Authorities (Chiefs and Alkalo), they carry out their functions intuitively and with the guidance of experience but not with the dictates of any type of framework. It is worth noting that the Alkalos and Chiefs play a vital role at the grassroot level, and all the paperwork emanates from their levels thus they cannot be left unguided as errors on their parts would not only slow down the land registrations and documentation process but could also lead to serious conflicts within the communities.

They have all expressed great concern pertainingto their level of capacity particularly during this time that the country is facing numerous land related issues.

The land registration and documentation system begin with the Alkalos, they are the initiators of the process thus it is of paramount importance that their capacities especially in understanding their mandates, roles and responsibility are built. According to officials of the MoLRG, the Alkalos are traditional leaders and are selected by the villagers or through inheritance thus the MoLRG do have control over who is appointed as Alkalo. It is, however, the responsibility of the MoLRG to ensure that the local authorities that represent and carry out their functions on behalf of the Ministry are adequately enlightened and have the required capacity to be efficient and effective.

Although the Ministry stressed on the issues relating to funding and lack of opportunities to ensure that land administrators are trained professionally in their various technical fields, the Ministry did not however provide us with any documentary evidence to show that it prioritizes capacity building for its staff being fully aware that there is a huge capacity gap in the Ministry.

The importance of having the required expertise both in relation to credentials and in experience cannot be overemphasized. In the absence of the required expertise the land registration and documentation process are delayed, and due to some of the errors of the land administrators, land disputes are on the rise and consequently leading to poor land administration.

## 4.2.2 Inadequate Workforce Capacity

*Lease applications documentation emanating from the provinces are required to be processed through the regional or local authorities including regional structures established by MoLRG[19].*

We have noticed significant gap in the workforce capacity of the Ministry particularly in the provinces. During our site visits to the regions, we noted that there were no regional offices for Department of Lands and Survey in North Bank Region (NBR), Central River Region (CRR) and Lower River Region (LRR). This implies that three (3) out of the five regional districts are without DLS officers.  We discovered that in URR (Basse) there is one DLS officer to cover applications and other land related matters that concern DLS for over 1000 villages and the same officer treks back to CRR (Janjanbureh) twice a week to attend to applications, conduct surveys and other DLS activities in CRR with more than 800 villages to oversee in CRR. Similarly, there are only two DLS officers in West Coast

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[19] System description of how the application system works from the regions as per the decentralization policy of the MoLRG

Region (WCR) to cover the whole of WCR which is the biggest region and the region with the most applications and at the same time the two DLS officers also covers LRR

The status quo highlighted above negatively impacts the land registration and documentation process as a lot of delays are caused in the system by this factor. For example, there's absolutely no DLS officer at NBR thus applications are piled up to a significant amount then surveyors are sent from Banjul to cover surveys and other related activities. A lot of time usually weeks can go by before the DLS can send in officers to conduct these activities.

Likewise, in URR, the officer has to trek between URR and CRR, applications may be lying down days waiting for his actions and whenever he treks to CRR he is unable to conduct the surveys and attend to other activities on the same day considering that the places may be far apart. Lastly, the DLS officers in WCR face similar challenges as they need to cover LRR added to the activities of largest region with only a motorbike available for mobility, the officers are always reluctant to use that motorbike to LRR hence would usually board public transportation to attend to DLS related matters in the region (LRR) which significantly delays the workflow at that level.

According to the Director of DLS, the functions of the department is greatly affected by the limited human resources in the regions as they would many a times rely on the DPPH officers to take care of urgent activities in the regions if they are unable to make it in the regions on time. The director highlighted that efforts have been ongoing as they continue to liaise with the Ministry for creation of DLS offices in the region. However, documentary evidence was not submitted to us to substantiate these claims.

The workforce capacity related issues also extend to the DPPH particularly in the regional offices. The regional offices are only equipped with few officers responsible for not only land registration and documentation activities such as providing land use reports and other planning documents but are also responsible for development control, collection of building permits and other DPPH related activities for an entire region with sometimes more than 500 villages to cover.

For example, there is only two (2) DPPH officers in NBR covering over 800 villages. These two officers, in addition to their roles in the registration and documentation process, are also responsible for development control activities whereby site visits are conducted to villages to control developments as well as collect building permits and sometimes also conduct DLS related activities like surveying on behalf of DLS. It was noted that most of the Alkalos (90% or more) depend highly on the DPPH officer's technical assistance considering that most of the Alkalos are not literate in English. Thus, it is not feasible to ensure efficiency and effective with only two officers given such responsibilities. Again,

such issues delay and slow down the land registration and documentation process. Similar staffing arrangement challenges were noticed in other regions as well.

According to MoLRG, the Ministry is aware of the gap of the workforce capacity for the longest time, which was why a new manpower structure was proposed since 1996 but the then government failed to implement it. A copy of the proposed structure was not made available during the audit thus we are unable to verify this. Furthermore, the Ministry also highlighted that limited positions are made available for recruitment by PMO thus resolving this is issue is beyond the control of the Ministry as they are only obliged to manage with the resources allocated to them. However, it is the responsibility of the Ministry to emphasize both on paper and on budget the need to resolve such a crucial matter and this was not the case.

The inadequate technical workforce at the technical departments results in delays in the land registration and documentation process as the processing time for applications are prolonged especially in the regions. This also increases the work pressure on the departments especially in the regions where there is huge mismatch between the responsibilities and the available human resources.

**Conclusion**

There is a significant gap in terms of expertise and workforce capacity in the land administration domain spearheaded by the MoLRG. The level of expertise in all the levels from the local authorities all the way to the central level is not sufficient to ensure efficient and effective service delivery. Furthermore, the workforce capacities of the technical departments in both the central and regional offices are not able to match efficiently and effectively with the level of workload and technical responsibilities under its purview. In addition, there is an inequitable distribution of officers as there are regions without DLS officers.

**Recommendation**

Firstly, The Ministry being aware of the huge capacity gap affecting its operation should prioritize both local and international capacity building for its technical officers. This includes rolling out training proposals to PMO and other partners to emphasize the urgent need of increasing the capacity of technical staff for an improved service delivery in the area. MoLRG are in collaboration with various international organizations that support priority areas of the Ministry hence if capacity building is prioritized and given the attention it deserves the status quo will be improved.

To begin with, the Ministry should ensure that the RDI in Mansakonko is up and running to be used for mandatory short-term trainings for technical officers like surveyors, planners, valuers, and others. Programs should also target the local authorities

particularly the Alkalos and Chiefs who are the initiators and key players of the process. The MoLRG should also conduct outreach programs meeting the local authorities in their regions periodically to enlighten them about the legal framework and provide them with technical support on how to resolve emerging issues and challenges in the area and how to expedite the land registration and documentation process at the grassroot level.

Secondly, The MoLRG should collaborate closely with PMO to emphasize the importance of having the right people with the required knowhow and expertise to mann their positions efficiently and effectively and this cannot be attained without the theory aspect offered in the universities. Having the right expertise will mitigate the challenges of redoing technical assignments that were already done, thus eliminating wastages, and improving efficiency and effectiveness.

Lastly, for a medium to long term solution, the MoLRG should consider engaging the Ministry of Higher Education Research Science and Technology (MOHERST) at a national level to work on the modalities to include degree programs that are in relation to land administration. This will not only benefit MoLRG but will benefit The Gambia in general. The MOLRG needs to take this seriously, because sending officers to study abroad may not be sustainable as it requires significant financial resources. Thus, the only sustainable way out is to pursue the higher education ministry to model and find a way of delivering such programs of paramount importance.

In addressing the workforce capacity related issues, The MoLRG should develop a manpower structure in consultation with PMO to commensurate with the rising workload in the regions. The land registration and documentation process cannot be improved without the required human resources in place particularly in the technical departments as they are required to carry out technical functions such as surveys, site inspections and other land planning activities without which the process cannot be completed. There is an urgent need to create regional offices for department of lands and survey to eliminate the long waiting time associated with conducting surveys and other DLS related activities in the regions. It is worth noting that efficiency and effectiveness cannot be guaranteed with limited number(s) of officers to operate two regions concurrently. Efficiency cannot be demanded from officers when the workload far surpasses the available capacity as well as the lack of logistics to support the officers in the regions.

### 4.3 Long Bureaucratic Channels of The Land Registration and Documentation Process

### 4.3.1 External Bureaucracies

*How long a leasing process should take is not stipulated in any documents governing MoRLG. However, during our discussion with the Director of Lands and Survey and its*

*officers, it was put to us that if all necessary documents are submitted the leasing process should not exceed 6 months. In Uganda, processing of a grant of leasehold is stipulated within a standard time of 15 days.*

A review of the land registration and documentation process revealed that external bureaucracies or the stakeholders through which the land documents must pass through during the process may be too cumbersome and unnecessary. Land registration is in two folds, or stages and each stage have numerous steps that require the registration files/documents to move from one institution to another which implies the lack of a one-stop shop for the process.

### Stage I (Occupancy)

The first stage of the process involves five (5) different institutions/authorities and Ten (10) steps as the documents are moved to and from some institutions twice or thrice. All these movements are facilitated by the applicants moving from one institution to another to get the documents signed by the authorities involved in the process. The image below details the first stage of the land registration and documentation process.
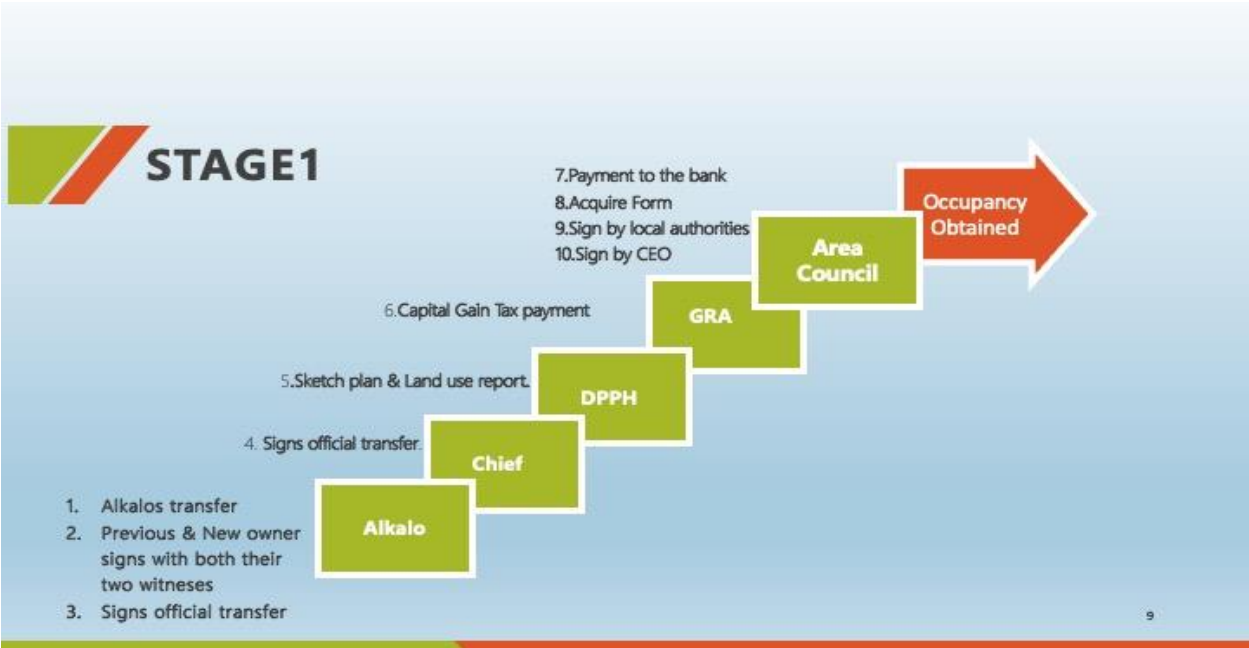


Source: Audit Team's Review of The Land Registration and Documentation System

We could not ascertain/confirm the time it takes on average for the first stage (Occupancy) to be completed as records of the whole process are not kept either by the local authorities or at the central level. However, interviews with the local authorities who are mostly responsible for the process of the first stage, concluded that if the land in question is free from disputes, financial resources available and the applicant is willing to go through the

back and forth of visiting all authorities involved it takes between 1 to 2 months to acquire the occupancy.

The officers of the MoRLG were engaged about the duration and steps taken to complete the first stage and it was highlighted that for transparency and to mitigate land-related issues it is necessary to have all the local authorities who are residing within the communities to endorse such transactions on behalf of the Ministry. However, both the Ministry and the Local authorities confirmed that the duration of the process is not an ideal one and that the steps are lengthy and require a lot of movement which in many cases discourages applicants and some even decide to drop out and abandon the process uncompleted.

The land registration lacks a one-stop-shop system thereby creating a situation that compels applicants to carry their applications from one institution/authority to another for signatures and endorsements. The current system would require applicants to visit the same institution twice or thrice during the process causing a lot of discomfort for the applicants and prolonging the registration process.

### *Stage II (The lease process)*

Stage two of the land registration and documentation process as described in Chapter 3, is longer in steps than the first process and it is more bureaucratic as the application files go all the way to the Minister responsible for Lands. A review of the provincial leasing process reveals that lease applications emanating from the provinces must pass through seven (7) institutions and at least twelve (12) steps of back and forth between institutions.

The provincial lease process is such that the application must be endorsed by all the local authorities (Governor, Alkalo, Chief, and 3 court members) most of which are far apart in terms of proximity. Upon consent of the local authorities in the provinces, the Governor is required to send the applicant to Banjul to request for ministerial clearance to begin the lease process which is handed to the applicant to deliver to the Ministry.

The applicant again shoulders the burden of the process as documents are required to move from one institution to another more especially having to facilitate the files from the provinces to the Ministry traveling many kilometers to process these applications. Furthermore, the applicants are required to constantly follow up on their files as they are required to pick up the files once treated to the next processing institution and there are no systems in place to communicate to the applicants the status of their files thus to avoid delays applicants must either travel to the Ministry all the time or contract a third party to do the follow-ups on their behalf. The image below details the back and forth the provincial lease application files must pass through.

Source: Audit Team's Review of The Land Registration and Documentation System

The process stipulated above is only suitable when all the documents are intact and free from errors hence many a time the steps could be far more than this and application documents could be left untreated at a particular point without the knowledge of the applicant especially if the applicant doesn't follow up.

A review of the provincial lease files indicated that an average of 31.6 months equivalent to 2 years 6months is taken to complete provincial leases.

We engaged the Ministry pertaining to steps involved in this process and its Officials highlighted that a lot of time is wasted as the files are communicated to the technical departments for actions which usually takes time even before files get to the departments. We have noticed such during review of the lease files, a case in point is a file (PA 32/D137/2019) that was approved in 2020 but the correspondent was still laying down at the Ministry. This is because when the files are treated at the level of the Ministry, they are mostly shelved at the records office waiting for the applicants to facilitate the movements of the files to the next processing station.

The number of stakeholders through which the applications must pass through contributes immensely to the delays affecting the completion time of the lease process. The step to completion is cumbersome particularly with the applicants taking up a responsibility that should have been built within the system rather it is the applicants facilitating the movements of the correspondence for a quick process. This discourages a lot of applicants during the process and others are compelled to hire third parties/agents within and outside the Ministry to follow up on their files.

Similarly, a review of the lease of the state land area that compromises of Greater Banjul Area and the entire Kombos indicates the same process as the provincial lease. The only difference is the state land lease is sent to the DLS from the Governor's office as opposed to sending the application to the Ministry as a transit point to the DPPH and DLS.

## 4.3.2 Internal bureaucracies

Besides the long process and multiple stakeholders that the lease application files are required to pass through, we have also noticed a longer process internally through which the applications are minuted to various action officers. This implies that in addition to the time taken for external stakeholders to endorse the applications, more time is taken internally as the files move from one officer to another within the Ministry and at the technical departments who are required to work on the technical aspects and send the files back to the Ministry. In detailing the steps taken internally, we have noticed that 25 officers equivalent to 80 steps are taken for the provincial leases. The files must also pass through all the officers it has gone through when it was first minuted for action. The entire step is detailed in **appendix e.**

Similarly, the state land lease process faces the same impediment as the back and forth that the files must make internally between the Ministry and its Departments when reviewed was up to eighty (80) steps. These 80 steps include minutes to various officers passing through to the records officers, typist, all the way to the technical officers, Directors, Deputy Permanent Secretary, Permanent Secretary, and The Minister. Some officers would receive the same file more than thrice or quadruple to either act or verify actions taken by other officers. Review of the state land lease files revealed an average waiting time of 62.1Months which is equivalent to 5.1years. These steps are detailed in **appendix f.**

Further, during the audit it was noticed that a digital workflow system was built by FORTE, as part of a UNDP funded project in the tune of Nine Hundred Thousand Dalasi (D900,000), this system has an inbuilt workflow system that connects the Ministry and the technical departments which supports the uploading of land documents and can be actioned by relevant officers in matters of seconds. This system however has not been fully operationalized as the Ministry claims that certain technological infrastructures like computer, scanners, internet, and power needed to be in place for the full implementation of the system. The Ministry failed to ensure the implementation of a system worth thousands of Dalasi donated to ease the workload and enhance service delivery to the citizenry. There was no value for money achieved in failing to fully implement a technological system that has the potential to lessen the internal bureaucracies, expedite the process and ensure a proper check and balance due to the unavailability of basic IT equipment with a probable cost that is far less than the worth of the system that was already built.

The rounds that the application files must make internally are beyond comprehension. It does not support efficiency in the operations of the Ministry and its departments. The system in place unequivocally affects greatly the completion time of the lease process precipitating applicants (The Citizens) in spending thousands outside the system to third-

party individuals within and outside the Ministry and its Departments to follow up on their files for quick process which also leads to the disregard of the first come first serve rule as individuals that have interest in files will ensure they move rapidly by following the trail of the files and knocking the doors of action officers for rapid actions hence leaving the ones that are less privileged to the mercy of time. The issue of third-party individuals within and outside the Ministry and Departments who are tasked with the responsibility of following-up on application files on behalf of the applicants is widespread and confirmed by the officials of the Ministry poses serious systemic risks. **See appendix g and h for sample of application files reviewed.**

## Conclusion

The external and internal bureaucracies are significant impediments affecting the waiting time of the land registration and documentation process. The system in place does not support the efficient and effective operation of the process causing a lot of frustrations to the applicants which in turns creates an environment that compels applicants to pay agents, some of whom are employees of the Ministry or its departments to follow-up on their applications in other to expedite the process.

## Recommendation

At the outset, there is an urgent need for the Ministry to review the entire process of the land registration and documentation. It is paramount that the entire process is evaluated and assessed to improve it in a way that ensures that the unnecessary back and forth amongst external stakeholders are minimized without compromising the fundamental check and balance to protect the state and all other parties involve in land transactions. In the medium to long term, the ministry should consider establishing a one stop shop for the land registration and documentation process to be able the cut down on the time taken to have all the stakeholders to endorse the necessary documents, this can be in a form of a digitalized system or any other method that will support such an important activity.

Furthermore, the internal process in place needs to be improved significantly. It is not reasonable to expect efficiency in a process that requires over 80 steps for each file to be completely treated. The Ministry should ensure that the workflow system donated by UNDP is fully operationalized with all the necessary IT infrastructures in place. The importance of digitalizing such processes cannot be overemphasized hence the Ministry should advocate for the embracement of such systems by its departments in other to expedite the process as well as serve as a monitoring mechanism for the Ministry. In addition, this IT system when fully implemented will cut down on the waiting time of the application process thus helping to curb the issue of hiring agents out of frustration and will help uphold the first come first serve rule.

## 4.4 Technological Deficiencies in The Land Administration System

**Registration/Documentation System**

### 4.4.1 Paper Base Application Process

*As per the MoLRG Strategic plan 2016-2020 the ministry is mandated to set up an Information management System that would be accessible by the relevant offices nationwide.*

The review of the land registration process revealed that the land registration and documentation system is dominantly manual i.e processing of hard copy documents between several institutions and by numerous officers causing huge delay in the process. The applicants are required to make all their applications in hard copies starting from the local authorities to the central level. There is absolutely no point of the application process that the applicants can access soft copy forms online or process any form of document online.

During our examination of land registration files at the Ministry, we came across issues as a result of the paper base process, this includes the wrong filing of two applications in one file which would result in delays of applications as a lot of time may be taken to locate the file in which an application was wrongly filed. Further, we also noticed numerous files that have been minuted for action but were never moved to the officers to act.  We also noted that the Ministry due to the paper base system, does not maintain a centralized database of all registered lands. What this implies is that the Ministry can in no point in time ascertain the number of lands registered without going into their physical files/hard copy files. Furthermore, the Ministry do not also have on record the number of lease applications received in a particular year, how much was successfully completed, and how much is pending.

Similarly, the same paper base process transpires at the DLS, the department's processes are entirely manual, as documents relating to lease applications are typically processed and kept manually on file. DPPH also manually processes land documentation; however, it operates a digital Geo-referencing system internally, that is used during the documentation process. To avoid double registration of plots, GPS coordinates of plots are entered into the system to confirm whether the plot being requested for registration has previously been registered. However, it was confirmed to us during our meeting with DPPH in Brikama that the Google Earth app, which is used for land documentation, can also be breached because the app can be accessed by anyone that have access to the files in house and can even delete previously saved land coordinates due to lack of security of the application.

We noted that KMC as the council responsible for issuing official transfers of land located in the Kanifing Municipality maintains a database called the Rates Matrix System where at least 99% of all properties in the municipality are registered. The council also rolled out a geographical information system that utilized spatial data to create maps of the municipality. Unique identification codes are tagged in almost all properties in the municipality for identification of properties.

Lastly, the documentation process at the Alkalos' level, and chiefs' level are also entirely manual. We discovered that only 2 of the 16 chiefs and 9 of the 25 Alkalos interviewed kept complete records of land transfers during their tenure, while the rest of the Alkalos (15) and Chiefs (10) could not produce such records.

According to the MoLRG, the reason why land registration in the Gambia is not completely digitalized is due to limited budgetary allocation. The Alkalos and chiefs have also lamented on the lack of office space and equipment to keep record of land transfers coupled with lack of capacities. We were told during our meeting with DLS and DPPH in Brikama that the lack of computers, internet, and a unique data base system hampered record keeping. However, during our meeting with FORTE the developer of the workflow system that was alluded to in the previously finding, highlighted that the same system has an in-built system that can store data, record the number of applications at any given time and can track the completed and pending applications.

We discovered that the UNDP has funded a GMD 900,000 project in March 2021 for the company to develop a digital workflow system where files can be processed and stored. This system was ready in November 2021, and 18 MOLRG staff trained to use it, but according to FORTE, the ministry abandoned it, citing a lack of tools such as computers, printers, internet, and even power to keep the data base running[20]

The system that is currently in place does not support efficiency and effectiveness as the paper base process does not only delay the process of land registration, but it is also tedious for the officers handling such a bulky paperwork especially at the Ministry and DLS where all the provincial and state lease files are kept. It is a daunting task for files to be traced in this current system and eventually all these piles up and delay the application process and service delivery. Additionally, the manual way of keeping applications files by DLS makes such files prone to risk as the records could be lost to theft, fire, termites, or any other natural disaster. A case in point is how the DLS lost all land registration records due to a fire outbreak that happened in 2001.

According to the Principal Valuation Officer at the DLS, the paper base files can be tampered with, especially files relating to land disputes that are in court. The lack of office space and equipment for Alkalos and Chiefs could result in misplacement, loss or damage

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20 Meeting with FORTE on the 6th October 2022.

as the files are kept in open places in their homes. There is also a risk of double land allocation if land documentation is not digitally recorded at the local level especially in cases where Alkalos failed to verify the land on the ground, this can lead to land disputes. In general, the risk associated with such a system is numerous ranging from data theft, loosing of records, increased land disputes to a slower land registration process as the applications increases just to name a few.

### 4.4.2 Management of Land Registration Files

*According to discussions with the officers of the MoLRG, Files/Records are supposed to be stored in a clean, well ventilated and arranged in a manner that supports easy tracing of files[21].*

During our site visits we visited the records storage depots at the Ministry as well as the technical departments and we discovered that documents or records are not kept in the most ideal conditions. At the Ministry, the store in which records are stored in was found dilapidated due to flood and infested with rats. The place had no ventilation and was extremely humid with very unpleasant odor. The records were not properly arranged or organized in a systematic manner as files could be seen arranged in disarray. The picture below gives a descriptive explanation of how the store at the Ministry was found during our visit.

**Picture 1: Showing Condition of the records store at the MoLRG.**



Picture taken by the audit team at the Ministry record office on 15/09/2022

According to the record officer at the Ministry, the situation of the store has been like this since June (at the start of the raining season), and this was reported to the Permanent Secretary but could not be fixed due to resource constraints. She highlighted that working into the store to keep and sometimes trace documents is difficult due to the condition of the store.

A similar condition was also found at the DLS, although the store was more organized and files arranged in order of location, however, it was without ventilation, dusty and some

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[21] Interview with the Records office on 15/09/2020 and discussion with PS on 18/11/2022

of the old land registration documents (records from the 80's and 90's) were disorganized and found on the floor. Further probe revealed that the DLS under the World Bank Project has started digitizing its filing system whereby the files will be arranged serially with names of the files in each serial, this is to ease and cut down the time taken to trace files when needed. The image below highlights the state of the store of the DLS on the day of our visit.

**Picture 2: Showing Condition of Records Store at DLS**



Source: Picture taken at DLS record office by audit team on 20/09/2022

As alluded above, the DLS during our visit was implementing a new filling system under the World Bank Project and the picture below highlights the implementation of the new filing system.



*Source: Picture taken at DPPH on 20/09/22*

At the DPPH, we noticed a more severe condition of the store. The store was very small, disorganized, no ventilation, very dusty and a lot of files found on the floor exposed to termites. According to the records officer when tracing files they mostly cover in dust and

are exposed to health risk due to the humidity and dust gathered the store. The picture below highlights the condition of the store.

**Picture 3: Showing the Condition of the Store at DPPH**



Picture taken by the audit team on 29/09/2022

A similar probe was conducted at the level of the Alkalos and Chiefs but 90% of them do not keep complete records of their involvement in the process and the few that keeps records usually keep them in one big file.

The filing system at the Ministry and its departments impedes the smooth process of the land registration and documentation process and possess serious risks to the durability of the files which is evident by the conditions in which the files were found.

### 4.4.3 Lack of Digitalized Information System for Land Administration

*According to the MoLRG Strategic Plan 2016-2020 the MoLRG will establish a well functional GIS system that produces digital cadastral maps and update topographical maps.*

We have also noted that the absence of clear mapping and well functional GIS systems have impeded land registration and documentation and land administration in general. The mapping system in place affects land administrators greatly especially when there are land conflicts pertaining to boundaries between communities and this has been on the rise. The geographical referencing information system in The Gambia's land administration is not developed as required. A national system for geographical referencing system to analyse and display geographically referenced information is not in place. The google earth (an open system/third party system) is used by the technical departments to collect coordinates during land registration in other to curb the leasing of a single property to multiple owners. This system is not as advanced and secure as required.

During our meeting with the Department of Lands and Survey, it was revealed that the entire country is topography mapped on paper, however only some parts of the country are cadastrally mapped. Areas like  Kombo Saint Mary (Greater Banjul Areas) and the provincial growth centers which are Barra, Farafenni, Bansang, Basse, Jarra Soma and Kaur have been mapped cadastrally but the rest of the areas in the regions are only mapped topographically, manually captured on papers and not digitalized.[22] Cadastral mapping is a large-scale map showing the boundaries of subdivisions of land, usually with the directions and lengths thereof and the areas of individual tracts, compiled for the purpose of describing and recording ownership, it is also an internationally recognized system for a map showing legal title and land registration.

There are no clear geographical borderline mappings between Villages, Towns, Districts and Regions due to the absence of the cadastral mapping. All the Alkalos, Chiefs and Regional Governors highlighted that they are facing challenges due to boarder boundaries as most of the boundaries within villages and towns are not clearly demarcated and mapped, boarder lines and boundaries are not clearly shown to the authorities in the regions and even head of the villages and towns. This has created a lot of disputes between communities or villages.

The land registration process is delayed, or applications disapproved if a particular plot was allocated by different Alkolos to different individuals mainly due to lack of knowledge about which of the Alkalos have jurisdiction over the area where the land is located due

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22 Meeting with the principal land valuation officer 31st March 2022

to lack of boarder distinctions. This does not only delay the process but could also lead to serious land disputes. According to the Alkalos we interviewed, this could have been avoided if the country's lands are geographically mapped and clearly differentiate all the boarder lines within villages, towns, and districts.

Due to the rising and severity of the land disputes in the country to the extent in which several lives are claimed, the need for a holistic cadastral mapping with clear boundary identifications cannot be overemphasized.  A case in point of a conflict due to the lack of cadastral mapping is the Gunjur and Berending boarder conflict that claimed a life and got many others injured[23]. Similar conflicts are currently ongoing in different communities or villages like Taibatou and Kerewan Nyakoi in URR with boarder land disputes for over years.

**Conclusion**

Land documentation and registration system in The Gambia is dominantly paper base with no technological interface that the citizenry can access. This affects greatly the efficiency of the process. In addition, the stores where records are kept were met in dire and unideal conditions not fit for the purpose of storing national data. Land related documents contain valuable information that needs to be preserved for the longest of time and the conditions of the stores during our visits does not support this.

In addition, the land administration system lacks key technological infrastructures such as a national geographical information system and a cadastral map of the whole country to support efficient and effective land administration.

**Recommendation**

The MoRLG should introduce a digitalized and decentralized land documentation and registration system for much greater efficiency and effectiveness. The Ministry should consider moving to a digitalized land registration and documentation system to cut the paper base system and its related issues. However, this is only possible when the internal processes are digitized and are functioning smoothly. Digitalizing the internal processes especially at the central level should be easy with the already developed workflow system by FORTE through the UNDP. Once it is ensured that the central level and its departments in Banjul and extended to DLS and DPPH in Brikama are functional with all the required infrastructure in place, the system can also be extended to the regions. To remind the Ministry that the system is also connected at the Ministry, Departments and in Brikama thus it should not take long to have them install at the regions as it is paramount that the system is decentralized. This will then make it possible for the system to be

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23 23 tps://allafrica.com/stories/202007140609.html

digitalized externally, giving access to applicants to apply online and submit applicants electronically eliminating the need to submit papers physically, and running from one institution to another.

The implementation of this system should indeed be supported by the relevant stakeholders such as the MOFEA, National Assembly, Donors, and other relevant authorities. Most importantly, the MoLRG should demonstrate commitment and willingness to champion the change that is required for the implementation of the system.

Furthermore, the stores at the Ministry and at the departments need to be urgently standardized to reserve and maintain these important national data. The Ministry needs to prioritize this and be supported to ensure the stores are renovated, cleaned, ventilated and files organized in a manner that supports easy access and management.

Lastly, MoLRG should develop plans and strategies to ensure that the required technological infrastructures such as a GIS system and Cadastral mapping is implemented as soon as possible. It is worth noting that land administration cannot be efficient and effective without the required technological systems in place. Hence the Ministry needs to prioritize digitization in land administration and advocate strongly for implementation and embracement for such systems in all the levels of the process. However, the Ministry cannot achieve this in isolation thus all hands must be on deck with strong commitments and willingness to provide the support required to enhance the land administration system.

## 4.5 Lack of required Logistics

*According to the data collected from interviews and discussions, Land administrators are required to inspect applicant's land, conduct surveys, development controls and other related activities connected to land registration and documentation process.*

Efficient and effective land administration requires strong logistical capacity. These logistics would facilitate swift inspections of land during the process, smoothen land related paperwork and in general fasten the process. It will also lessen the burden of the workload on land administration.

This is however not the case. We have noticed serious deficits in the logistics provided for land administrators. The Ministry failed to provide the required logistics to ensure that land registration and documentation is efficient and effective. A lot of delay is caused to the system due to the absence of inadequate logistics. It is not reasonable to expect efficiency and effectiveness without basic requirements for smooth operations. The lack of required logistics includes mobility, fuel, stationery, as well as office space affecting land administrators in all levels.

## a) Mobility

Technical departments (DPHH and DLS) are required to inspect the lands during the application process to generate land use and planning reports as well as other technical assignments like surveys, demarcation, and others. This requires vehicles and motorbikes to conduct the inspections and complete the application process. According to the discussions held with the technical departments which is substantiated by the time the files spend with the technical departments, a lot of time is taken to conduct inspections on the lands before applications are completed and this is due to the inadequate vehicles at the disposals of the technical departments.

Review of the vehicle fleet at DLS revealed that the department has 8 vehicles but only 2 are roadworthy at the time of our visit, the remaining 6 are with mechanical problems. According to the Director of DLS the department finds it difficult to maintenance or service these vehicles as the maintenance required for some of the vehicles are extremely expensive, for example at the time of our visit the department was allocated D500,000 for maintenance for the current year but it has already incurred some D400,000 on maintenance as arrears from the previous year. This translates that the department has only D100,000 available from its 2022 allocations for maintenance after settling its arrears.

Similarly, DPPH has 8 vehicles, 5 of them are in road worthy conditions 3 of which were supplied to the regions (NBR, URR & Brikama) and 2 are left at the department. Two regions (CRR & LRR) are without vehicles but are supplied with motorbikes. The local authorities (Chiefs & Alkalos) also highlighted that the applicants are sometimes requested to provide mobility for inspection if the site is far from them although this is at a minimal scale.

Efficiency and effectiveness cannot be ensured with only 2 roadworthy vehicles at both departments with hundreds of applications coming in monthly and all of them requiring inspects and verifications by the technical departments. The land registration and documentation process are seriously slowed down by this factor, the departments would most time strategize and divide places to visit by gathering applications until they are sufficient to inspect them together, some applicants are compelled to hire transport or drive the officers to their site in other to expedite the process.

## b) Fuel

Review of the fuel supplies for the fleet of the technical departments revealed that a total of D120,000 is supplied to the technical departments monthly. At the level of DPPH, the fuel supplied is subdivided between the central level and the regional offices. The activities of the central level entails administrative errands, development, and control activities as well as land inspections to complete registration and documentation process. Another portion of the fuel is sent to the regional offices for the vehicles as well as the motorbikes. According to the DPPH officers in the region, D5,000 worth of fuel is supplied to them monthly this is equivalent to between 65 to 70 litres of fuel monthly to be used for development control activities as well as inspections to generate planning reports. The officers highlighted that with the distance to cover between villages they are unable to conduct development control activities nor are they able to inspect the sites in time causing a lot of delays to the land registration and documentation process.

DLS receives the same fuel allocation monthly for its activities and the activities of the regional offices.

It was revealed that when the fuel supplies are out, applicants make it their responsibility to facilitate the movements of the officers to the sites to be able to finish the process without delay.

### c) Stationeries

Local authorities, such as Alkalos and Chiefs, are task with the responsibility of initiating the land registration and documentation process and this requires typing and printing of paperwork. We have noticed that the local authorities are not provided with the stationeries and equipment to fulfill their responsibilities, they would have to use their own resources to facilitate the typing and printing of these documents. All the Alkalos and chiefs interviewed expressed great discomfort by this situation and have indicated that there are times that they would ask the owners of the lands to return when they run out of the transfer forms or ask them to facilitate the printing of the forms at the cost of the applicants. This affects and slowdowns the land registration and documentation process and makes it very difficult to hold the local authorities to account because the required tools were not provided for smooth operations of the system.

Furthermore, the departments also highlighted that operations are sometimes delay due to shortages of basic stationeries such as papers, printers, and cartridges. DLS indicated that in 2020 there was no vote for stationeries and the department ran out of papers which sometimes forced them to ask philanthropist and applicants for assistance in resolving this problem, DLS in Brikama also indicated and produced evidence of requesting for stationaries which would normally take a long time before they are supplied from the central level. We have noticed similar challenges in DPPH in Brikama as one of the reasons why the workflow system was not implemented was due to lack of scanners and

other basic IT equipment. DPPH in NBR, CRR and URR also expressed challenges and set back they encounter by the erratic supplies of stationaries and most of the times they depend on the area councils to bail them out.

**d) Office Space**

Our site visits to the technical departments revealed that the work environment at the departments is not conducive and can hinder performance as well as demotivate officers. We have noticed dilapidated and inadequate toilet facilities at the departments. The toilet: user ratio at the DLS is 1:85 and 1:15 at the DPPH. Very few toilets are functional and those functioning are not in their best conditions. Review of the budget indicated that D200,000 is allocated for office maintenance yearly for the departments and their regional offices. We engaged the Directors as to the work environment and why the basic facilities were not maintenance and they indicated that, the allocated amount is barely enough to maintenance issues at the central level and the regional offices thus they prioritize other pressing maintenances.

Further, we also noted that the office spaces in the departments and regional offices were not spacious and are jam packed with officers sharing the space. For example, in NBR regional office, 3 officers share one small space with dilapidated roofs, which was said to be a private rented property. In URR the DPPH officers are accommodated by the area council, 4 officers were sharing the office space, The DLS officer in URR was also accommodated in the record store of the Governor's office in a very tight space and poorly ventilated environment, the officer claims that when the place is too humid, he would have to seat outside to be able to do his work. Similar situations were also noticed in CRR, URR, LRR and WCR. None of these regional offices for DPPH and DLS are housed in spaces belonging to the MoLRG, they are all accommodated in either the area councils or the Governor's office which are less spacious to accommodate the officers thus rendering the workspace/environment to be unconducive.

The case of the local authorities such as the Alkalos and Chiefs was also noticed to be critical. Only 1 Alkalo (Tujereng) out of the Alkalos and Chiefs visited was with an office space to carry out the mandate given to them. They all operate in their homes, keeping sensitive land related documents in open spaces in their homes.

This situation does not encourage/motivate officers vested with the responsibility of land administration. The quality-of-service delivery is affected, and officers may not even be willing to go on postings in the regions considering the dire situations out there.

**Conclusion**

There are significant lapses in terms of logistics provided for land administrators. Efficiency and effectiveness will be daunting to achieve considering the lack of necessities that the system grapples with.


**Recommendation**

MoLRG in collaboration with the relevant authorities should strategize and ensure that the basic requirements are put in place. The Ministry and its departments must be equipped with the basic facilities, equipment, mobility and other required logistics and accessories for efficiency and effectiveness. The importance of land administration cannot be overemphasized as it has the ability not just to develop and implement land policies but can be used as a revenue making machine for the executive to fund other development projects if adequately equipped and managed.

**4.6 Lack of Uniform Land Transfer Procedures at the Local Level**


*According to 141 of the Local Government Act of 2002, Alkalo shall be representation of each village and shall be the headman of the village mandated to promote the general economic development of his or her village and administer enforce all regulations and By-laws on behalf of the central level.*

*According to the meetings & discussions held with MoRLG Alkalos at Village Heads are required to process and facilitate land transfers at no cost to the applicants.*

Alkalos are required to facilitate the land transfer process without any cost implication to the applicants. This is however in contrary to what we found on the ground; we have noticed that all the Alkalos interviewed do receive a certain amount from the process of land transfer. From the data collected from our interviews, 13 Alkalos (representing 56%) indicated that they charge between D2,000 to D5,000 and can go up 5% of the proceeds if the land being transferred was sold. Four (4) Alkalos (representing 17%) indicated their charges are not fixed but depends on negotiations with the landowner. the remaining Alkalos interviewed (representing 23%) indicated that they do not charge anything but accepts whatever amount that is given to the by the landowners.

There was no evidence that the Ministry did inform both the Alkalos and the public that transfers from the local level should be free of charge, there has always been unclear/uncertainty surrounding this area. We were informed during the interview with some of the Alkalos that charges should be made for such services to cater for printing and other stationery needs that are not provided for by the Ministry.

There was no trail of such payments and no evidence of any accountability mechanism to record those collections. There is no legal document to back such collection, hence illegal to collect revenue on behalf of the state for a service that should have been free. See appendix I for different categories of transfer fees created by the Alkalos.

**Figure 5: Showing percentage the different categories of service fees created by the Alkalos**
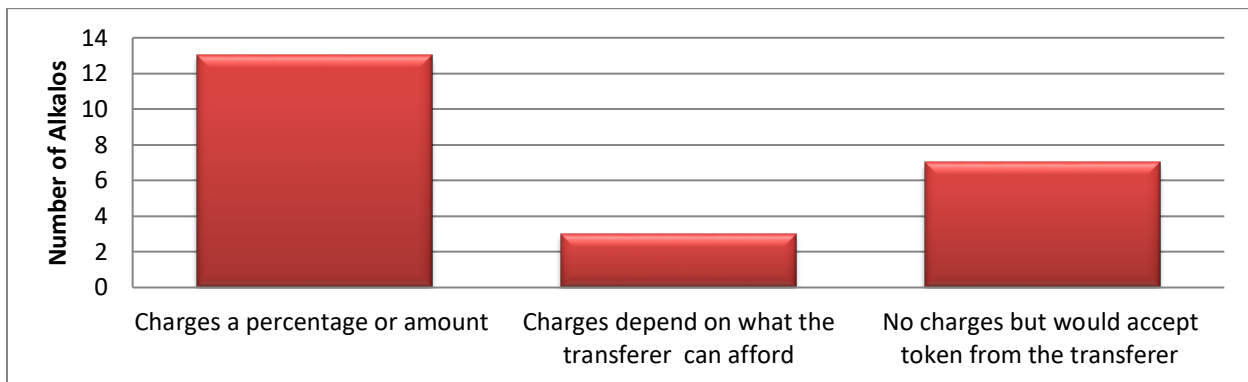


Source: Generated from the interview questions and illustrated by the Audit Team

In addition, we also noted that there was a lack of uniformity in the transfer documents used by various Alkalos, for example, the land transfer form of the Alkalo of Batakunku Village is different from the transfer form of Brufut. In some cases, transfer forms are developed for the Alkalos by anyone who has the knowledge to, considering the literate rate amongst the Alkalos this may have serious consequences. In general, the local transfer paperwork, lacks the required standard.

Lastly, 2 out of the 25 Alkalos sampled were without a land registration and documentation system in place. They were unaware that lands should be transferred when they exchange hands of ownership, but this was because the land transactions (Buying and Selling) are extremely minimal in these villages. However, it is the responsibility of the Ministry to ensure that Alkalos irrespective of where they are located are enlightened about the land registration system to ensure they are well equipped to deal with such transactions. We have collected samples of few villages in some of the regions that are without the land registration and documentation system.

**Table 1: Shows Sample of Villages without a Land Registration System in Place**

| West Coast | Central River Region | North Bank Region | Upper River Region |
|---|---|---|---|
| 1. Berefeting | 1. Kataba Omar | 1. Kataba | 1. Kulari |
| 2. Banniko | 2. Nema Fulla | 2. Sarakunda | 2. Dampha |
| 3. Sintet | Kunda | 3. Kerr Pateh | Kunda |
| 4. Wuday Ba | 3. Bakadaji | 4. Bambally | 3. Bingiring |
| | Mandinka | 5. Toro Tiyam | 4. Sare Alpha |
| | 4. Faraba Sori | 6. Darul Rilwan | |

| | 5. Jamwelli Batch JAWO<br>6. Pallontoro<br>7. Mbayen Wollof<br>8. Nganta<br>9. Pallul wollof<br>10. Nyakoy Wollof | 7. Tambanna | 5. Diabugu Ba Sillah |
|---|---|---|---|

According to the Alkalos, the position of the village headman-ship comes with a lot of expenses that are not funded by the Ministry or the Local Government thus part of the collections from the local transfers are utilized to provide development needs for the village, such as tap heads, renovation of mosques and other utilities. In relation to the transfer forms, the Alkalos stated that the Ministry did not provide any standardized form to use as transfer forms thus they had to improvise something for property owners to use as land ownership documents from the local levels.

The Ministry revealed that, directives were sent severally to inform the Alkalos that fees should not be charged for such services especially after the establishment of salary payments to all the Alkalos however the Ministry failed to enforce these directives and documentary evidence were provided to substantiate this claim.

Due to the system in place, some Alkalos abuse their authority in charging exorbitantly when ownership of land changes hand especially when the land transferred is being sold, an Alkalo can make as much as 5% of whatever amount the land is being sold for and will be adamant to receive the amount before any transfer documents are stamped by his/her office. This is illegal and sometimes slows down the transfer process if an agreement is not met. The non-standardized local transfer documents pose serious risks to the system as anyone can generate such transfer documents. Lastly, the non-establishment of land registration system in villages may hinder development planning for those villages in the future and may increase land conflicts as transfer documents are not prepared when ownership changes.

**Conclusion**

The local transfer system in place condones illegal charges such as transfer fees ranging from D2,000 all the way to 5% of the value of the land. The Ministry failed to interject such activities within the system by allowing this to continue as it is public knowledge that Alkalos do charge for such services. There is lack of uniformity in the local transfer documents which possess serious to the system. Further, numerous villages or communities especially in remote areas are without land registration systems.

**Recommendation**

The Ministry should consider assessing the local transfer system with the aim of adopting the best approach. As for now, the Ministry should enforce and make it absolutely clear without ambiguity that Alkalos are not mandated to charge fees for the local transfer services. In the long run if the Ministry assessed that the Alkalos would be mandated to charge in other to support the administrative cost for such services, it should be clearly communicated on how much and how it will be accounted for to support accountability and transparency and not leaving it open for Alkalos to charge anything and enrich themselves.

Secondly, the Ministry should with all urgency standardize the local land transfer form/document. This is a national document and should be protected by making it standardized for all the Alkalos in all the regions.

Lastly, Alkalos across the regions should be sensitized and enlightened about the land documentation and registration process whether land transactions are prevalent there or not. In addition, they should be given access to these forms and equipped to carry out this function efficient and effectively to support development planning as well as deter/mitigate land conflicts in the future.

# Appendices

## Appendix A: Assessment Criteria

| Audit question and sub-questions | Audit Criteria |
|---|---|
| **Main Audit Question** ||
| Does MoLRG put in place measures to ensure land registration and documentation are efficient and effective. ||
| a) To what extent are the mechanisms available for rapid land documentation? | *As vested in by the 1963 Land Act, MoLRG is assigned if the responsibility of land administration in The Gambia thus it is responsible to ensure that the required mechanisms such as administrative structures, legal framework, required capacity, etc are in place to ensure efficient and effective land administration in The Gambia.* |
| b) To what extent does the MoLRG monitor the activities of the other stakeholders involve in the land documentation process? | *The MoLRG Strategic Plan 2016-2020 emphasized the need for MoLRG to provide trainings and capacity building programs for land administrators particularly surveyors and other technical areas.* |
| c) To what Extent does the Ministry maintain a uniform land registration and documentation across the country? | *The Land Act 1963 vested the MoRLG to administer land efficiently and effectively in The Gambia and by extension empowering the local authorities through the Local Government Act 2002 to administer land in the regions on behalf of the Ministry. All land registration must be endorsed by the local authorities (Alkalo, Chief, Area Council and Governor).* |
| d) To what extent are there regulations, guidelines, procedural manuals and other internal documents established to guide the registration and documentation at all levels? | *The Land Act 1963 vested the MoRLG to administer land efficiently and effectively thus the MoRLG has the responsibility to provide the required administrative and legal framework for an efficient and effective land registration and documentation.* |

| | |
|---|---|
| e) To what extent are land registration and documentation digitalized? | *According to the MoLRG Strategic Plan 2016-2020 the MoLRG is will establish a well functional GIS system that produces digital cadastral maps and update topographical maps.24* |
| f) To what extent is time used in land registration and documentation in line with standard in the sub-region? | *How long a leasing process should take is not stipulated in any documents governing MoRLG. However, during our discussion with the Director of Lands and Survey and its officers, it was put to us that if all necessary documents are submitted the leasing process should not exceed 6 months. In Uganda, processing of a grant of leasehold is stipulated within a standard time of 15 days.* |

## Appendix B: Showing Reviewed documents and purpose for reviews

| Name of the Document reviewed | Purpose for review |
|---|---|
| **Policy documents** | |
| The Land Act 1963 | The act shows how many years a land is rent to a tenant. |
| Local Government Act 2002 | An Act to establish and regulate a decentralized local government system for The Gambia; to make provision for the functions, powers and duties of local authorities and for matters connected therewith. |
| Physical Planning and Development Control Act | To understand the mandate or responsibilities of the DPPH |
| Survey Act No.4of1991 | The act is to understand the operation governing surveying operations in the Gambia. |
| Land Acquisition and Compensation Act | How land is acquired in the country and how peoples can be compensated with Land. |
| Real Estate (Liability for Debts) Act | To understand the relationship between the MoLRG and the real estate companies. |
| Local government Act 2008 | To understand the roles and responsibilities of the local authorities |
| **Performance Report / strategies** | |
| MORLG Organogram | To understand the organization structure of MoLRG. |
| Terms Of Reference for The DEVELOPMENT Of a National Land Policy in The Gambia | A National Land Policy that promotes sustainable land use and land development and fully integrates climate change issues drafted.<br>• A clear framework for legislative actions to support the implementation of the National Land Policy formulated. |

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24 MoLRG strategic plan 202016-2020

| Country Reports | |
|---|---|
| Conflict AND Development Analysis THE Gambia Updated - June 2019 UNDP | To have more understanding about land conflicts in The Gambia |
| The Least Developed Country Report for THE Gambia 2019- UN | To understand the country's policy for land |
| Issues and Options for Improved Land Sector Governance in the Gambia- Synthesis Report August 2013- AMIE BENSOUDA & CO LP | To have more understanding about land administration in The Gambia |
| NATIONAL LAND POLICY-ACCRA-JUNE 1999 | To understand land administration in other African countries in Africa especially in West Africa |
| Economy Profile The Gambia- Doing Business in Gambia 2020-World Bank | To understand the assessment of the world bank in doing business in The Gambia in which land is an essential commodity for investors |
| Voluntary Guidelines on The Responsible Governance of Tenure of Land, Fisheries AND Forests IN The Context OF National Food Security- FAO- 2022 | To understand |
| Land Use Efficiency-SDG Targets 11.3-In Relation to Land UN Habitat 2018 | To understand the role of land administration and management in achieving the SDGs |

## Appendix C: Showing key Players Interviewed

| Description of Directorates/Offices | Number of Staff | Designation |
|---|---|---|
| **Central Level (Ministry)** | | |
| Ministry of Land and Regional Governance | 1 | Permanent Secretary |
| | 2 | Deputy Permanent Secretaries |
| | 2 | Relevant Staff |
| | | |
| **Department of Land and Survey** | | |
| Department of Land and Survey | 1 | The Director |
| | 1 | Deputy Director |
| | 1 | Relevant Officer |
| | 2 | Regional Survey Officers |
| **Department of Physical Planning and Housing** | | |
| Department of Physical Planning and Housing | 1 | Deputy Director |
| | 1 | Principal Physical Planner |
| | 10 | Regional Physical Planning and Housing Officers |
| **Area Council** | | |
| Banjul City Council | 1 | Mayor |
| | 1 | Chairman |
| | 1 | CEO |
| | 4 | Relevant Staff |
| Kanifing Municipal Council | 1 | Deputy Mayor |
| | 1 | CEO |
| | 3 | Relevant Staff |
| Brikama Area Council | 5 | Relevant Staff |

| | | |
|---|---|---|
| North Bank Area Council | 1 | -------- |
| Central River Region 1 | 1 | CEO |
| | 4 | Relevant Staff |
| Central River Region 2 | 1 | CEO |
| Upper River Region | 5 | Relevant Officers |
| Lower River Region | 1 | Deputy Governor |
| **Governor's Office** | | |
| West Coast Region Governor's Office | 1 | Governor |
| North Bank Region Governor's Office | 2 | Governor and Records Officer |
| Upper River Region Governor's Office | 2 | Records officers |
| Lower River Region | 1 | Deputy Governor |
| **Chiefs** | | |
| Chiefs | 16 | In 16 chiefs were interviewed across different districts within the 6 regions |
| | 2 | Relevant officers |
| **Alkalos** | | |
| Alkalos | 26 | In 26 villages within the 6 regions |
| | 8 | Support staff/Assistant |
| Total Number of Individual Interviewed | **111** | |

## Appendix D: Roles and Responsibilities of Key Players of The System

| Key Player | Roles and Responsibility |
|---|---|
| Ministry of Lands | ▪ Responsible for policy direction<br>▪ Approval of lease application |
| Department of Lands and Survey | ▪ Issuing Occupancy Prelude<br>▪ Issuing Occupancy Certificate<br>▪ Survey<br>▪ Valuation<br>▪ Mapping |
| Department of Physical Planning and Housing | ▪ Drafting plans or approval of sketch plans for plots of land within Banjul and Kanifing<br>▪ Issuing land use reports for plots or properties within Banjul and Kanifing |
| Regional Physical Planning Offices | ▪ Drafting plans or approval of sketch plans for plots of land in their respective regions<br>▪ Issuing land use reports for plots of land in their respective regions |
| Governor's | ▪ The governor is also the chairman and board member to the region planning committee for giving out state land to either public or commercial use.<br>▪ They issued the resolution form<br>▪ Governor will sign and stamp for clearance |
| Area Councils | ▪ Issuing official council land transfer form<br>▪ Sign and stamp of the certificate of occupancy |
| Chiefs | ▪ Signature and stamp of the official council land transfer form<br>▪ Sign and stamp of the Land Use Report Certificate<br>▪ Sign and stamp of the certificate of Occupancy form |

| Alkalos | <ul><li>Issue, stamp and signs the transfer of ownership form (Alkalo transfer)</li><li>Sign and stamp of the official council land transfer form</li><li>Sign and stamp of the Land Use Report Certificate</li><li>Sign and stamp of the certificate of Occupancy form</li></ul> |
|---|---|
| GRA | <ul><li>Issuance of tax clearance after payment of Capital Gains Tax</li></ul> |
| Ministry of Justice | <ul><li>Registration of deeds of assignment for lease</li></ul> |
| Ministry of Agriculture | <ul><li>Verify whether the land in question is suitable for agricultural purposes</li></ul> |
| Ministry of Environment | <ul><li>To verify environmental suitability of the plot of land in question</li></ul> |
| Ministry of Tourism and Culture | <ul><li>To verify whether the land being requested for transfer does not fall within the TDA 400m above sea</li></ul> |
| Ministry of Fisheries and Water Resources | <ul><li>To verify whether the land being requested for transfer does not fall within the fish landing area 300m above the sea</li></ul> |

## Appendix E: Showing Internal Bureaucracies Steps the Files Must Go Through for Provincial Leases

1. Application from Governor's office (Resolution Form)
2. Record (Governor's Office)
3. Governor
4. Alkalo
5. Chief
6. Court Members
7. Record (Governor's Office)
8. Records (MoLRG)
9. Private Secretary – records file in his/her computer
10. Deputy Permanent Secretary (Technical)
11. Private Secretary
12. Permanent Seretary
13. Private Secretary
14. Honorable Minister
15. Private Secretary
16. Permanent Secretary
17. Private Secretary
18. Deputy Permanent Secretary (Technical)
19. Private Secretary
20. Record (MoLRG)
21. Records (DPPH)
22. Director
23. Deputy Director
24. Principal Housing Officer
25. Senior Housing Officer
26. Technician – site visit
27. Senior Housing Officer

28. Principal Housing Officer
29. Deputy Director
30. Director
31. Records (DPPH)
32. Records (DLS)
33. Principal surveyor
34. Technician – to survey the plot
35. Principal Cartographer – for preparation of official plans
36. Technician – to draw official plans
37. All parts for endorsement (Director, survey & valuation dept)
38. Principal Surveyor
39. Records (DLS)
40. Principal Lands & Valuation Officer – for calculation of land rent
41. Technician
42. Accounts – to open account number for the file and prepare bill for payment of land rent. Applicant buys lease document (for residential) or indenture (for agricultural)
43. Typing pool – to type the lease
44. Officer-For vetting
45. Records (DLS) - applicant signs lease
46. Typing pool – for dressing
47. Director – for authentication
48. Records (DLS)
49. Records (MoLRG)
50. Private Secretary – records file in his/her computer
51. Deputy Permanent Secretary (Technical)
52. Private Secretary
53. Permanent Seretary
54. Private Secretary
55. Honorable Minister
56. Private Secretary
57. Permanent Secretary
58. Private Secretary
59. Deputy Permanent Secretary (Technical)
60. Private Secretary
61. Records (MoLRG)

62. Record (Governor's Office)
63. Governor
64. Records (MoLRG)
65. Private Secretary – records file in his/her computer
66. Deputy Permanent Secretary (Technical)
67. Private Secretary
68. Permanent Seretary
69. Private Secretary
70. Honorable Minister
71. Private Secretary

72. Permanent Secretary
73. Private Secretary
74. Deputy Permanent Secretary (Technical)
75. Private Secretary
76. Records (MoLRG)
77. Records (Governor's Office)


## Appendix F: Showing Internal Bureaucracies Steps the Files Must Go Through for State land Leases

1. Applicant
2. Records office (DLS) – open a folder
3. Director
4. Principal Lands & Valuation Officer
5. Technician – opens a file
6. Records (DLS) – sends file to DPPH for their comments
7. Records (DPPH)
8. Director
9. Deputy Director
10. Principal Housing Officer
11. Senior Housing Officer
12. Technician – site visit
13. Senior Housing Officer
14. Principal Housing Officer
15. Deputy Director
16. Director
17. Records (DPPH)
18. Records (DLS)
19. Director
20. Principal Lands & Valuation Officer – prepare HM minutes
21. Director – for endorsement
22. Records (DLS)
23. Records (MoLRG)
24. Private Secretary – records file in his/her computer
25. Deputy Permanent Secretary (Technical)
26. Private Secretary
27. Permanent Seretary
28. Private Secretary
29. Honorable Minister
30. Private Secretary
31. Permanent Secretary

32. Private Secretary
33. Deputy Permanent Secretary (Technical)
34. Private Secretary
35. Records (MoLRG)
36. Records (DLS)
37. Director
38. Principal Lands & Valuation Officer
39. Typing pool – to type approval letter for survey fee
40. Principal Lands & Valuation Officer – to sign the letter
41. Records (DLS) – applicant to pay survey fee and hand in receipt
42. Typing pool – to prepare internal instruction
43. Records (DLS)
44. Principal surveyor
45. Technician – to survey the plot
46. Principal Cartographer – for preparation of official plans
47. Technician – to draw official plans
48. All parts for endorsement (Director, survey & valuation dept)
49. Principal Surveyor
50. Records (DLS)
51. Principal Lands & Valuation Officer – for calculation of land rent
52. Technician
53. Accounts – to open account number for the file and prepare bill for payment of land rent.
54. Applicant buys lease document (for residential) or indenture (for agricultural)
55. Typing pool – to type the lease
56. Officer-For vetting
57. Records (DLS) - applicant signs lease
58. Typing pool – for dressing
59. Director – for authentication
60. Records (DLS)
61. Records (MoLRG)
62. Private Secretary – records file in his/her computer
63. Deputy Permanent Secretary (Technical)
64. Private Secretary
65. Permanent Seretary
66. Private Secretary
67. Honorable Minister
68. Private Secretary
69. Permanent Secretary
70. Private Secretary

71. Deputy Permanent Secretary (Technical)
72. Private Secretary
73. Records (MoLRG)
74. Records (DLS)
75. Director
76. Records (DLS)- Call applicant to pay stamp duty
77. Gambia Revenue Authority- applicant to pay stamp duty
78. Records (DLS) – prepare instruction for registration at MoJ
79. Officer – for signature
80. Ministry of Justice – for registration
81. Applicant to collect registered lease

**Appendix G: Showing Alkalos that keeps records of land registration & rate of land disputes**

| Alkalo | | | Disputes | | Record keeping | | Remark |
|---|---|---|---|---|---|---|---|
| | | | Yes | No | Yes | No | |
| 1. | John T.B Gomez | Kachumeh | ✓ | | ✓ | | • We do have a land disputes,<br>• I do keep records of land transfers. |
| 2. | Aja Fatou Sowe | Farato | | ✓ | | ✓ | • There were land disputes. These were dispute induced before her tenure.<br>• We keep record of all land documentation. |
| 3. | Karamo S. Bojang | Tujereng | ✓ | | | ✓ | • I do not have record of all Land transfer documents made during my tenure but I have able to keep record of some. |
| 4. 2 | Abdoulie Sanyang | Gunjur Berending | ✓ | | | ✓ | • There are land disputes between Berending and Gunjur and resulted a death of a person.<br>• I do not keep record of land document. |
| 5. | Malamin R. Manneh | Brufut | ✓ | | ✓ | | • According to Mr Alkalo there are more than 2000 land disputes in their district tribunals. |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 6. | Babucarr Bojang | Brikama | ✓ | | ✓ | | • We do not have land disputes but very minimal at this stages.<br>• We have data base record keeping system. |
| 7. | Musa Saho | Sibanor | | ✓ | ✓ | | • Since my stay at office we do not have a land dispute.<br>• I keep records for future referencing. |
| 8. | Kata Bojang Essa Bojang (Son) Lamin Bojang (Son) | Kafuta | ✓ | | ✓ | | • A border land dispute between Kafuta and Bullock.<br>• I keep records for future referencing.<br>• experience domestic land disputes but is minimal. |
| 9. 9. | Kemo Kolley | Faraba Kairaba | ✓ | | | ✓ | • Cardals stral land disputes between the two Faraba villages.<br>• Peoples claiming ownership of government reserved lands. |
| 10. | Alhagie Kadireh Dukureh – Ali Dukureh (Brother) | Alunhari | ✓ | | | ✓ | • We do have Agricultural land dispute which is Not very frequent though. |
| 11. | Cherino Sanneh | Kiang Kaif | ✓ | | ✓ | | • We keep records of lands documentations.<br>• In last 5 years we have one land dispute. |
| 12. | Baba Colley | Wudeba | | ✓ | | ✓ | • We do not have a land registration system.<br>• We will appreciate it if we are train or sensitize about. |
| 13. | Lamin Badjie | Sintet | | ✓ | | ✓ | • We do not have land disputes at our villages. |
| 14. | Basirou Sillah | Kerewan Nyakoi | ✓ | | | ✓ | • Currently we are on a land dispute with Taibatou village.<br>• We do not have a land registration system.<br>• We will appreciate it if we are train or sensitize about. |

| No. | Name | Village | | | | | Comments |
|---|---|---|---|---|---|---|---|
| 15. | Mbemba Jabbie | Nyakoi Taibatou | ✓ | | | ✓ | • We do not have land documentation system.<br>• Currently we are on a land dispute with Kerewan Nyako village.<br>• We will appreciate it if we are train or sensitize about. |
| 16. | Kitim Dibba | Farafenni | | ✓ | | ✓ | |
| 17. | Alhagie Mamading Jabbie | Laminkoto | | ✓ | | ✓ | • We do not have land disputes as lands are owned by Cabilos and known to the alkalo.<br>• We do not keep records. |
| 18. | Honorable Momodou Sellu Bah | Basse | ✓ | | ✓ | | • We do have farm land disputes.<br>• I have a land documentation system.<br>• |
| 19. | Momodou Njie | Essau | ✓ | | | ✓ | • Double land allocation and which is few.<br>• I do not keep record of land documents. |
| 20. | Ousman Fatty Bakary Kitabu Fatty (Son) | Badibou Kerewan | ✓ | | | ✓ | Most of the land disputes are farmland related. |
| 21. | Malick Saho | Sukurr Kunda | | ✓ | ✓ | | • No land disputes in the last 10 years.<br>• I keep record of land documents even we do not have much. |
| 22. | Bakary Jam Jawo | Janjabureh | ✓ | | ✓ | | • No land disputes in the last 10 years.<br>• I keep record of land documents even we do not have much. |
| 23. | Jara Soma | Demba Darboe | ✓ | | | ✓ | • Land rate is not very high in my village.<br>• We have land disputes between a real estate and one land owners. |
| 24. | Janjanbureh | Bakary JamJawo | | ✓ | | ✓ | • We do not experience double land allocation. |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Total** | | | | **16** | **8** | **9** | **15** | **We conclude that 63% of 25 Alkalos' do not keep complete record of land documents** | |
| | | | | | | | | | |

**Appendix H: Showing Sample of State Land Lease Files Reviewed**

| NO. | Regions | Location | File References | Name of the Applicant | Land Use | Application Date | Completion Date | Remark | Months |
|---|---|---|---|---|---|---|---|---|---|
| 1. | WCR | Brufut heights layout | SL/BHL/93/2003 | Momodou S Foon | Residential | 5/5/2003 | Pending | Land was allocated to mr foon by GPA in 2003 he however paid the survey fees in 2012 and survey conducted. land rent was calculated in the file to be D32000 as at 1/7/13. The amount was paid on 23/7/13. This was the lsat action taken. The file was last minuted to ALVO trawally to calculate land rent which was paid by the applicant. the next step was not taken since 2013. | 235 Months |
| 2. | WCR | Manjai kunda | SL/47/2005 | Aminata Camara | Residential | 1/6/05 | Pending | According to the file a letter was sent to aminata on 11/01/07 convey and approval of the lease and needed her signature and other paperwork. However, this was the last step taken the lease document is not in the file. The applicant may not have received the letter. | 204 Months |

| No. | Region | Location | File References | Name of the Applicant | Land Use | Application Date | Completion Date | Remark | Number of months delayed |
|---|---|---|---|---|---|---|---|---|---|
| 3. | WCR | Tanji Layout | SL/TAN/47/2005 | Francais Mendy | Residential | 25/04/06 | Pending | The allocation was done in 2006 April, survey was conducted after 2years in 2008. the land rent calculation was minuted to LVT Adama on 23/01/08. This was paid but was the last action taken for this file. | 200 Months |
| 4. | WCR | Jambur | SL/270/2018 | Momodou Banteh Jallow | Residential | 31/8/18 | 15/1/20 | Delay occurred from 19/3/19 approval for survey, survey was completed on 30/10/19. | 5 Month |
| 5. | WCR | Yuna | SL/144/2015 | John Joko Touray | Residential | 19/1/15 | 9/06/16 | Took 6 months for survey from 19/'05/15 to 30/11/15. Four months to prepare the lease document 2/12/16-4/04/16 and 2 months to be signed. | 17 Month |

Note: The Audit team reviewed 54 files of the state land lease applications, we imported three (3) of the longest waiting files and two (2) of the shortest.

## Appendix I: Showing Sample of Provincial Lease Files Reviewed

| No. | Region | Location | File References | Name of the Applicant | Land Use | Application Date | Completion Date | Remark | Number of months delayed |
|---|---|---|---|---|---|---|---|---|---|
| 1. | NBR | Farafenni | PA55102/2014/MS | Modou Secka | Residential | September 2013 | On going | Documents was found in another file minuted to DPPH in 22/01/2014. No response since then. | 109 Months |
| 2. | WCR | Faraba Banta | PA32/D182/2021/SAA | Salma Abourizh Alaeldin | Residential | March 2015 | October 2021 | File was missing thus another application was sent in 2020 | 79 months |
| 3. | CRR | PA32/D123/2016/R.L.M.B | Kuntaur | Robert louis Biening | Agricultural | October 2016 | Ongoing minuted to DPPH since 5/10/2016 | The file has been pending for more than 6yrs, it was minuted to DPPH since October 2016 for action. | 72 months |
| 4. | URR | Darsilameh Sandu | PA32/D163/2021/OK | Ousman Kagu | Agricultural | August 2021 | Pending Verification needed | File was lost and a temporal file was opened | 14 months |

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| 5. | WCR | Basori Village | PA32/D197 /2021/MK | Mohamm ed Kora | Agricul tural | June 2021 | July 2022 | No actions were taken so the applicant had to reapply June 2022 | 13mon hs |
| 6. | URR | Basse Koba Kunda | PA32/D158 /2021/JO | Jah oil | Comm ercial | February 2021 | February 2022 | Completed within a month | 12 months |

Note: The Audit team reviewed 52 files of the provincial land lease applications, we imported three (3) of the longest waiting files and three (3) of the shortest.

### Appendix J: Showing villages and categories of land transfer charges

| Alkalos | Charges a percentage or amount (Different amounts for sold, gift of inheritance) | Charges Depend on what the transferrer can afford | No charges but would accept token from the transferer |
|---|---|---|---|
| 1.  Dukureh Alunhari | ✓ | | |
| 2.  Kaif | | | ✓ |
| 3.  Wudeba | | | ✓ |
| 4.  Sintet | | | ✓ |
| 5.  Kerewan Nyakoi | | | ✓ |
| 6.  Farafenni | ✓ | | |
| 7.  Laminkoto | | | ✓ |
| 8.  Basse | ✓ | | |
| 9.  Essau | ✓ | | |
| 10.  Kerewan | | ✓ | |
| 11. Sukurr Kunda | ✓ | | |
| 12.  Berending | ✓ | | |
| 13. Kachumeh | | | ✓ |
| 14. Farato | ✓ | | |
| 15. Tujereng | ✓ | | |
| 16.  Brufut | ✓ | | |
| 17. Taibatou | | | ✓ |
| 18.  Janjanbureh | | ✓ | |
| 19. Sibanor | ✓ | | |
| 20. Kafuta | ✓ | | |
| 21. Faraba Kairaba | | ✓ | |
| 22. Brikama | ✓ | | |
| 23. Soma | ✓ | | |