



LESOTHO

Law, Land Tenure and Gender Review: Southern Africa



UN-HABITAT

Scale 1:51,400,000

Cylindrical Equal-Area Projection

LAND TENURE, HOUSING RIGHTS AND GENDER

IN
L E S O T H O



UN-HABITAT



2005

Law, Land Tenure and Gender Review Series: Southern Africa

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Foreword to Southern Africa Law And Land Tenure Review



Africa is currently the region of the world that is witnessing the most rapid rate of urbanisation. The Southern African sub-region is no exception. The chaotic manifestations of rapid urbanisation include poor and inadequate infrastructure and services, urban poverty and the proliferation of slums and informal settlements. The precarious nature of land tenure characterizing these settlements renders millions of people vulnerable to evictions. Their illegal status further hinders their access to basic infrastructure and services, a key challenge that has to be overcome in order to attain the Millennium Development Goals of improved water and sanitation, gender equality, health, education, nutrition and the prevention of diseases.

Through the generous support of the Government of the Netherlands, UN-HABITAT is pleased to publish its review of the legal and policy frameworks governing urban land tenure in Southern Africa. In addition to an overview of the situation in all ten countries of the sub-region, the present report contains four case studies which analyse the specific cases of Lesotho, Mozambique, Namibia and Zambia. These case studies provide a comprehensive examination of the laws and policies governing urban land tenure, with a special focus on their impact on women's rights to land and housing. National experts in each country have conducted extensive research to reveal the often-complex legal issues which hinder or enable the efforts of Governments, local authorities and their civil society partners in improving the living conditions of the urban poor. The study reveals that the sub-region is characterised by overlapping legal regimes. These include pre-colonial customary law which co-exists with a mixture of outdated and often draconian colonial laws and more recent legislation.

Strengthened security of tenure for the urban poor of Southern Africa is an essential step towards sustainable urbanisation and development of the sub-region. Without secure tenure, the prospects for local economic development, a safe and healthy environment, and stable homes for future generations to grow up in will remain bleak. Secure tenure alone will, however, not be sufficient and a clear message that emerges from this review is that good local governance is essential for tenure security programmes to achieve their desired goals and effectiveness.

This review contains findings and recommendations for both immediate and longer-term law reform to strengthen the tenure rights of all people, especially the poor and women. While they will further guide and inform UN-HABITAT's normative work through its two Global Campaigns for Secure Tenure and Urban Governance, it is my sincere hope they will contribute to furthering broad-based dialogue and engagement in land reform and security of tenure in all countries in Southern Africa in support of attaining the Millennium Development Goals.

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List of Abbreviations

| | |
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| AIDS | Acquired immunodeficiency syndrome |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| DS | District Secretary |
| FIDA | Federation of Women Lawyers |
| HIV | Human immunodeficiency virus |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICC | Interim Community Council |
| JSC | Judicial Service Commission |
| LHLDC | Lesotho Housing and Land Development Corporation |
| LGA | Local Government Act |
| LSPP | Land Survey and Physical Planning Department |
| MCC | Maseru City Council |
| NGO | Non-governmental organisation |
| SDA | Selected Development Area |
| SLAC | Standing Committee on Land Affairs |
| TRC | Transformation Resource Centre |
| ULC | Urban Land Committees |
| WLSA | Women and Law in Southern Africa |

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